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United Nations Institute for Training and Research

Report of the Secretary-General

Summary

The present report has been prepared in compliance with General Assembly resolution 59/252 of 22 December 2004. The report highlights the main features of the ongoing training and capacity-building programmes of the United Nations Institute for Training and Research (UNITAR). It puts special emphasis on recent methodologies developed by the Institute such as e-learning and web-based interactive platforms, knowledge management and new approaches to public-private partnerships.

It proposes ways in which UNITAR could provide more systematically specialized common services to the United Nations funds and programmes and to the organizations of the system. While the voluntary contributions remain at a low level, the financial situation of UNITAR has improved, owing to the increase of special-purpose grants.

The report concludes by providing seven concrete recommendations.

* A/60/150.

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I. Introduction

1. The present report has been prepared in compliance with General Assembly resolution 59/252 of 22 December 2004, in which the Assembly, inter alia, reaffirmed the relevance of the United Nations Institute for Training and Research (UNITAR) and welcomed the progress made in building partnerships between the Institute and other organizations and bodies of the United Nations system, and also noted with appreciation the activities of the newly established Hiroshima Regional Office for Asia and the Pacific. The Assembly encouraged the Board of Trustees of the Institute to continue its efforts to resolve the critical situation of the Institute and renewed its appeal to all Governments, in particular those of developed countries, to give the Institute their generous financial and other support.

2. Meanwhile, the Institute's activities continue to grow. The different training clusters — international affairs management, environment and sustainable development, debt and financial management, international trade and the information society — have not changed. The latest training and capacity-building programme of the Institute, on decentralized cooperation, is receiving growing appreciation and achieving increasing success.

3. In close collaboration with the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP), and thanks to funding from the Global Environment Fund, UNITAR is now serving more than 100 Member States in building capacity for sound management of chemicals and waste. As regards climate change, relying on three centres of excellence based in developing countries, UNITAR has developed, with the Executive Secretariat of the United Nations Framework Convention on Climate Change,[1] important programmes on vulnerability, adaptation and mitigation. Finally, cooperative links are being developed with different regional associations of cities and local governments, in consultation with the United Nations Human Settlements Programme (UN-Habitat). Besides capacity-building, training activities are growing steadily. Close to 10,000 participants benefit from UNITAR workshops and seminars each year, while close to 17,000 persons follow the Institute's distance learning and e-learning programmes. The design and diffusion of new pedagogic methodologies have allowed these positive developments.

4. UNITAR is totally self-funding and does not receive any contributions from United Nations core funds, nor does it charge any fees to the beneficiaries of its programmes. The level of the voluntary contributions to the General Fund, however, remains very low, putting at risk some of the most traditional training programmes of UNITAR, addressed to diplomats accredited to various United Nations offices. General Assembly resolution 59/252 stressed the need for continued consideration of the issues related to the Institute's rental and maintenance costs, which will be debated by the Fifth Committee during the sixtieth session of the Assembly.

5. In resolution 59/252, the General Assembly also encouraged the Institute to diversify the venues of its activities by including cities hosting regional commissions, so as to promote greater participation and reduce costs. This call may reflect a misunderstanding in respect of the Institute's modus operandi. Indeed, since its restructuration in the early 1990s, UNITAR has always brought the trainers

[1] United Nations, *Treaty Series*, vol. 1771, No. 30822.

to the participants, rather than the reverse. Any new event planned in the cities hosting United Nations Headquarters would have to be separately funded. This is not possible currently, because of the low level of voluntary contributions to the General Fund.

6. Finally, in the same resolution, the General Assembly decided to consider the issue of the periodicity of the agenda item entitled "Training and research" at its sixtieth session. At its forty-third session, held in Geneva on 26 and 27 April 2005, the UNITAR Board of Trustees agreed that the reporting could indeed be done on a biennial basis and recommended that the periodicity be changed to every two years.

7. The present report presents the main activities designed and conducted by UNITAR since the submission of the complete report of activities by the Executive Director of the Institute to the General Assembly at its fifty-ninth session.[2]

II. Overview of current programmes

A. Multilateral diplomacy and international affairs management

8. The UNITAR multilateral diplomacy and international affairs management programme continues to offer an extensive menu of training opportunities aimed at enhancing the professional performance of diplomats and other government officials, with a view to ensuring efficient and effective participation in international affairs. The programme comprises the following three pillars:

- Training for the diplomatic communities in Geneva and Vienna.
- Tailor-made training conducted in the field or in Geneva.
- Fellowship programmes.

9. In the context of the first pillar, the programme has offered, since June 2004, 18 training activities for the benefit of Geneva-based diplomats and 3 training activities to the diplomatic community in Vienna, the latter conducted in cooperation with the Federal Ministry of Foreign Affairs of Austria. Despite special fund-raising efforts, funding to finance training activities in Nairobi could not be secured.

10. Over recent years, the interest of Member States in tailor-made training activities has been greater than ever. In the period under review, the programme delivered 16 activities of this kind. Among the 10 training activities that were conducted in the field, the majority took place in Africa (Nigeria, the Gambia, Namibia, South Africa and Morocco); others took place in South America and Eastern Europe (the Bolivarian Republic of Venezuela and Serbia and Montenegro). Five tailor-made activities were implemented in Geneva, in particular several skill development activities for the benefit of the Syni Programme of the City of Lausanne, a Swiss non-governmental organization based in and funded by the City of Lausanne that strives to set up partnerships with international organizations engaged in international cooperation. Furthermore, training was conducted in several areas of public international law for lawyers from the United Nations Compensation Commission. The programme has also been offering familiarization

[2] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 14* (A/59/14).

courses on the United Nations system in Geneva for groups of delegations of Member States; and a tailor-made orientation training has been organized in Geneva for diplomats from Saudi Arabia.

11. The fellowship programmes are conducted on an annual basis and participation is competition-based. As in previous years, funds have been made available to finance three fellowship activities, namely, the six-week United Nations/UNITAR Fellowship Programme in International Law, offered in cooperation with the Office of Legal Affairs of the Secretariat, New York; the seven-month Fellowship Programme on the International Civil Service, conducted in cooperation with l'Agence intergouvernementale de la francophonie, l'École nationale d'administration, l'Institut des relations internationales du Cameroun and le Centre international d'études pédagogiques (CIEP) de sèvres; and the Fellowship Programme in International Affairs Management: Building Partnerships for Human Security and Development, implemented in cooperation with the Government of Japan.

B. Peacemaking and preventive diplomacy

12. *Programme for briefing and debriefing special and personal representatives of the Secretary-General.* The third seminar for current special representatives and senior Headquarters staff was held in Switzerland in October 2004 and attended by nearly all of the current special representatives of the Secretary-General. The first edition of the publication entitled *On Being a Special Representative of the Secretary-General* is being distributed to all new special representatives of the Secretary-General by the Department of Political Affairs and the Department of Peacekeeping Operations of the Secretariat as part of their briefing programmes. A second edition is being finalized based on further interviews with special representatives and will be distributed to all representatives upon its completion. The project, including this publication, and the DVDs of the interviews and seminars held with special representatives of the Secretary-General, has also contributed to a web-based operational support tool for mediators prepared by the Department of Political Affairs to be launched later in 2005. A DVD entitled "Lessons in Peacemaking" has been produced as well and is being shown as part of the training material for the Institute's other training programmes.

13. *UNITAR-International Peace Academy fellowship programme in peacemaking and preventive diplomacy.* The programme (an annual one), which provides advanced training in conflict analysis, negotiation and mediation for United Nations staff and diplomats, was conducted in June and July 2005 in Norway with support from the Governments of Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland. The goal of the programme is to enhance the work of the United Nations in preventing and resolving conflict. Now in its twelfth year, the programme, which is taught by senior scholars and practitioners of conflict resolution, has gained a reputation for excellence.

14. *Regional training programmes to enhance conflict prevention and peacebuilding in Africa.* Modelled on the fellowship programme mentioned directly above, this two-week annual programme has been conducted over the past six years in Addis Ababa for governmental officials from ministries of foreign affairs and defence as well as representatives of civil society from the entire African continent.

A similar programme is conducted each year in Capetown for the Southern African Development Community (SADC) region. Both programmes focus on African issues and use primarily African resource persons. The Capetown programme was conducted in March 2005; the Addis Ababa programme in November/December 2005. The purpose of these programmes is to enhance the skills of government and non-government officials in conflict analysis, negotiation and mediation. The next programmes are planned for 2007.

15. *Training programmes to enhance the conflict prevention and peacebuilding capacities of indigenous peoples' representatives.* This programme's objective is to strengthen the capacity of representatives of indigenous groups so that they can negotiate their priorities while building constructive relationships with their negotiating partners. The one-week training programme, in its sixth year, was conducted in Switzerland in July 2005 following the session of the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights. A separate one-week regional training programme is held each year in a different part of the world. The 2005 regional training programme is planned for French-speaking indigenous representatives of Africa at the end of 2005.

16. These programmes are intended to build capacity for the prevention and resolution of conflict. Resource persons include senior scholars and practitioners of conflict resolution, special representatives of the Secretary-General and special rapporteurs as well as senior staff from the United Nations and regional organizations. UNITAR staff work closely with the United Nations Secretariat, other United Nations bodies, ministries of foreign affairs and defence and civil society organizations to ensure that those chosen to participate can use the skills effectively in their future work.

C. Correspondence instruction in peacekeeping operations

17. The UNITAR Programme of Correspondence Instruction in Peacekeeping Operations (UNITAR POCI) was established to provide standard distance training on peacekeeping that would be universally available at low cost to a large population of students of diverse geographical distribution. Since 1995, in cooperation with the Training and Evaluation Service of the Department of Peacekeeping Operations, this training has been provided through self-paced correspondence courses, originally in the form of printed course booklets but now also on CD or as online downloads. Each of the 17 courses offered covers a different aspect of peacekeeping. All courses are available in English and some are also available in French, German, Russian, Spanish and Swahili. During the period from 1 July 2003 to 30 December 2004, the Programme registered approximately 5,000 enrolments through the main office and approximately 20,000 more through mission training focal points, with students coming from 125 nations. The Programme is funded exclusively through enrolment revenues.

D. Women and children in and after conflict

18. The UNITAR Training Programme for Civilian Personnel in Peacekeeping Operations on the Special Needs of Women and Children in Conflict, designed as

the Institute's specific and targeted contribution in support of Security Council resolution 1325 (2000), has continued delivering awareness-raising workshops on gender and child rights to international and local staff members of United Nations peacekeeping operations. Between June 2004 and June 2005, two more United Nations field missions, the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations Stabilization Mission in Haiti (MINUSTAH), received training. The UNITAR seminars and, through the Department of Peacekeeping Operations, the ever-increasing presence of gender advisers and child protection advisers in peacekeeping operations are two phenomena working hand in hand in stressing the importance of these two dimensions of United Nations peacekeeping. An emerging trend, which UNITAR is supporting through cooperation offers, is the diminishing separation among civilian, military and civilian police training activities in peacekeeping operations, evident in the increasing number of integrated mission training centres.

19. As a result of the recent scandals related to acts of sexual abuse and exploitation committed by United Nations peacekeeping personnel, the Institute's seminar curricula were quickly adjusted by earmarking a considerable amount of time for separate training sessions on sexual exploitation and abuse — a topic that, so far, had always been covered in a less visible manner within other training modules. Both in academic research and on an operational level, most stakeholders customarily work on topics related either to gender or to children, often in an effort to preserve what is seen as conceptual clarity. The Institute's programmatic decision in 2001 to link both topics has now given UNITAR the comparative advantage of being one of the few organizations that addresses the concerns of women and children, the very two groups suffering from sexual exploitation and abuse, under a common and integrated training approach.

E. Environmental law programme

20. The activities carried out by the UNITAR environmental law programme have focused on a distance-learning course on international environmental law and on the development of capacity-building workshops organized at both the national and the regional level. The distance-learning course is a two-year self-tailored programme that leads to a UNITAR diploma in international environmental law. In the period under review, over 85 new candidates from 35 different countries enrolled in the course.

21. Capacity-building workshops dealt primarily with issues related to freshwater management, integrated coastal zone management and implementation of environmental laws at the national level. Two workshops were specifically designed for members of the judiciary and dealt with industrial hazards and civil and criminal responsibilities, for Brazilian and European judges, respectively. Over 200 participants attended these training activities organized at the national or regional level in Georgia, Bosnia and Herzegovina, Lebanon, Brazil, Jordan (for Iraqi officials), Italy and Croatia.

22. The environmental law programme has recently introduced knowledge management tools into its training activities designed to study national competencies in implementing environmental obligations. Based on the UNEP criteria for analysing compliance and enforcement of multilateral environmental

agreements, the programme developed a self-assessment matrix with which to explore knowledge possessed by the workshop participants, facilitate dialogue to identify strengths and shortcomings, and propose concrete actions to address identified weaknesses. The UNITAR environmental law programme has successfully used this new training methodology in the workshops conducted in Georgia, Jordan and Croatia.

23. The programme enhanced cooperation with various organizations and institutions through the signature of memorandums of understandings. Notably, memorandums of understandings were signed with the Secretariat of the Convention on the Transboundary Effects of Industrial Accidents, with the Veracruz State Council for Environmental Protection, with the Central American Commission for Environment and Development and with the UNEP Regional Office for Europe together with the University of Geneva.

F. Climate Change Programme

24. Guided by decisions adopted by the Conference of the Parties to the United Nations Framework Convention on Climate Change, the UNITAR Climate Change Programme assists in enhancing or creating regional pools of expertise in the developing world, as well as in strengthening their infrastructure for delivering capacity-building activities and developing their human resources. Over the last 12 months, the Programme has concentrated its efforts on achieving these objectives with the implementation of two key projects, while strengthening working relationships with United Nations entities such as UNEP, UNDP and the Sustainable Development Programme of the Secretariat of the United Nations Framework Convention on Climate Change.

25. *Climate change capacity development (C3D).* This project seeks to strengthen the national human resource and institutional capacity of developing countries (non-Annex I Parties to the United Nations Framework Convention on Climate Change) for effective negotiation, policy analysis and coordination. To this end, it provides financial resources and technical advice to centres within these countries. The immediate target groups include three regional centres in Africa and Asia that are direct partners in the project, namely, Environnement Et Développement du Tiers Monde (ENDA) in Dakar; University of Cape Town Energy Research Centre; and Munasinghe Institute for Development in Colombo. The intention is for the partners to then reach out and target the Framework Convention national focal points, senior-level climate negotiators, focal points for bilateral and multilateral development assistance, and other concerned government actors and stakeholder groups in the targeted regions. Project members continued implementation of C3D activities in 2004 with:

- Two project management committee meetings held in February and June.
- Development and peer review of training modules on greenhouse gas inventories and mitigation, sustainable development and climate change, and vulnerability and adaptation to climate change, to be prepared by the partner institutes by August 2005.
- Development and launch of the project's online collaborative platform in collaboration with the European Organization for Nuclear Research (CERN).

- A training of trainers on vulnerability and adaptation to climate change in Capetown in October
- Working meetings with donors and two new partner institutes to plan expansion of activities into two new regions (the Caribbean and the Pacific) for a second project phase (2006-2008).

26. *Project to provide technical assistance to least developed countries in the preparation of their national adaptation programmes of action*. The Climate Change Programme built upon its past two projects of assistance in the preparation of national adaptation programmes of action with the launching of a training publication consisting of examples and exercises designed to offer expert guidance for the preparation of high-quality national action plans. The publication, prepared in cooperation with UNDP, UNEP and the Least Developed Countries Expert Group under the United Nations Framework Convention on Climate Change, summarized many of the training activities covered at the four 2003 National Adaptation Programme of Action workshops organized by UNITAR. Print and web versions were launched in both French and English at the tenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change held in Buenos Aires in December 2004. In an effort to provide ongoing support to least developed countries involved in the national adaptation programme of action process, the Climate Change Programme, with funds from the French Ministry of the Environment, used its past experience in providing online services to develop a new project for online technical support to country teams. This project, developed in 2004 for implementation in 2005, will link national adaptation programme of action teams with regional experts, implementing agency representatives and the Least Developed Countries Expert Group under the United Nations Framework Convention on Climate Change via an online platform so that countries may receive targeted and timely assistance throughout the development of their programmes of action. The online support system is now fully operational and the Climate Change Programme is in the process of registering the country teams and relevant representatives for access.

G. Programmes in chemicals, waste and environmental democracy

27. In the course of 2004-2005, the Institute's programmes in chemicals and waste and the recently launched programme on environmental democracy supported capacity-building efforts in some 70 developing and transition countries to protect human health and the environment, through a variety of projects supported by a number of donor Governments and organizations. UNITAR methodologies continue to be developed and used for these activities, and are regularly reviewed and refined based on lessons learned and experiences gained in different countries.

28. Key methodologies and training approaches are being actively proposed by countries themselves for endorsement by and application to the ongoing Strategic Approach to International Chemicals Management (SAICM) process, convened by UNEP with the active participation of nine additional international organizations and strongly supported by UNITAR. The overarching goal of the Strategic Approach is to have ensured, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the

environment — a target endorsed by the World Summit on Sustainable Development.

29. Based on country demand and experiences gained in pilot countries over a number of project cycles, UNITAR assisted countries in developing and sustaining an integrated national programme for the sound management of chemicals, based on a management coordination platform, self-assessment of capacity and infrastructure, identification of priorities, skill-building, development of a financial resource mobilization strategy, and facilitation of information exchange. This programme, or elements thereof, can be applied to any developing country or transition country so as to strengthen its approach to the sound management of chemicals. The development of a national programme document outlining national activities towards achieving the 2020 goal was also included. The programme to date has been supported by a wide variety of donors including, in 2004-2005 in particular, the Government of Switzerland and the European Commission.[3] Future endeavours will seek to strengthen the participation of civil society and the private sector in these efforts.

30. UNITAR also continued to see significant progress with a number of specialized programmes designed to assist countries with implementation of key international agreements. These included: 11 country projects on implementation of the Globally Harmonized System of Classification and Labelling of Chemicals,[4] and a variety of regional and other Harmonized System support activities; 3 country projects, part of the environmental democracy programme, to develop national profiles for the implementation of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the "Aarhus Convention") (document ECE/CEP/43); a major Global Environment Facility project within the framework of the Stockholm Convention on Persistent Organic Pollutants, implemented by UNDP and co-executed by UNITAR and the Ghana Environmental Protection Agency, to eliminate polychlorinated biphenyls (PCBs) in Ghana. In addition, UNITAR is also assisting some 50 countries with activities to strengthen planning measures related to the Stockholm Convention.

H. Decentralized cooperation programme

31. In the framework of a type II World Summit on Sustainable Development partnership, the decentralized cooperation programme aims at reinforcing the capacities of local authorities (parliamentarians and mayors) and their local partners (civil society and the private sector) through training in three majors areas:

- Sustainable urban development (access to basic services such as water and sanitation, waste management, transport and energy, urban planification).
- The information society (e-governance, e-administration, e-democracy).
- Human and social development (public health, HIV/AIDS, cultural diversity, urban safety).

[3] Please see paragraph 23 of the 11 August 2004 report of the Secretary-General on the United Nations Institute for Training and Research (A/59/230) for related work programmes.

[4] First revised edition: United Nations publication Sales No. E.05.II.E.13.

32. The main objective of these training activities is to achieve sustainable urbanization in the context of increasing responsibilities of local authorities. One of the objectives is to encourage South-South and South-North cooperation between local authorities in order to improve access to basic services. These capacity-building activities are implemented through a global network of 11 associated centres of the Centre international de Formation des Acteurs Locaux (CIFAL).

33. Pursuant to the results achieved during the World Summit of Cities and Local Authorities on the Information Society, held in Lyon, France on 4 and 5 December 2003, UNITAR has been associated with CIFAL Bilbao and the Network of Local Authorities for the Information Society (IT4ALL) in organizing the second World Summit of Cities and Local Authorities on the Information Society, to be held in Bilbao, Spain, from 9 to 11 November 2005, prior to the second phase of the World Summit on the Information Society to be held in Tunisia in November 2005. This reflects the realization by the world's regions and local authorities of the importance of mobilizing in order to define their basic roles in the new information society. The preparatory process towards the Bilbao Summit has been co-organized by UNITAR and CIFAL Bilbao. It has consisted of several technical workshops, hosted by the Plock (Poland), Durban (South Africa) and Shanghai (China) CIFAL centres, and several regional conferences in Shanghai, Leipzig (Germany) and Dakar. UNITAR, as co-organizer of the Summit, is assisting CIFAL Bilbao in preparing the different activities of the Summit.

34. The Environmental Information Circulation and Monitoring System on the Internet (SISEI) programme is a capacity-building programme for African countries on the use of information technologies for environmental information management. It is a contribution to the undertaking of answering the information needs of the environmental component of the New Partnership for Africa's Development (NEPAD) (A/57/304, annex). Driven by the recommendations and obligations of multilateral environmental agreements, its main objective is to establish information communities that will access information useful for elaborating policies for poverty reduction, taking inspiration from the United Nations Millennium Declaration (see General Assembly resolution 55/2) and thus contributing to the fulfilment Goal 7 of the Millennium Development Goals.

35. For the last two years, training activities have been conducted in collaboration with the Telecommunication Development Bureau of the International Telecommunication Union, enabling 10 African countries (the Gambia, Ghana, Guinea, Kenya, Mali, Mauritania, Morocco, the Niger, Uganda and Zambia) to generate institutional arrangements, elaborate their legal framework and integrate technical solutions adapted to local contexts and conditions. During the same period, inter-agency agreements have been established focusing on complementarities and further integration, for the benefit of recipient countries. Another round of activities with 10 additional countries is under consideration for 2006-2008.

36. The e-local governance Mali initiative implemented during the period January-June 2004 sought to achieve capacity-building of local authorities in the use of information and communication technologies (ICT) for local development. It responded to a need expressed by institutions in Mali regarding ownership of ICT potentialities by local government. It resulted in the establishment of a working group composed of representatives of the national government, local government,

the civil society and development partners dealing with challenges and opportunities of the information society at the local level. This working group is involved in the preparation of Mali for participation at both the World Summit of Cities and Local Authorities on the Information Society (Bilbao, Spain) and the second phase of the World Summit on the Information Society (Tunis).

37. In this framework, resolution 20/5 entitled "Access to basic services for all within the context of sustainable development" was adopted by the Governing Council of UN-Habitat its twentieth session in Nairobi in April 2005.[5] It was followed up by decisions adopted by the Commission on Sustainable Development at its thirteenth session (New York, April 2005) on a number of items relating to access to basic services and their affordability.

38. Oil exploration and extraction usually generate important royalties for central Governments. On the local level, however, the economic benefit is not often significant and local communities may see oil activities more as "problems" than as an opportunity for economic development. This leads to lack of trust between the companies and the communities. Such a situation makes it difficult for oil and gas companies to take action, even if they become increasingly aware that they need to present an image that clearly shows their willingness to correct past mistakes and to pioneer initiatives towards sustainable development, peacebuilding and environmental conservation. This in turn would contribute to consolidating their operations. Local development projects in oil production areas should apply a participative approach involving major stakeholders — civil society, State and local authorities, youth movements and local private companies — to identifying needs and defining implementation strategies. This approach would ensure full and efficient appropriation by the local people, thereby maximizing benefits for all.

39. UNITAR proposes to work with oil companies in three identified priority areas, namely, ecological rehabilitation, conflict resolution and project management. In this regard, the Institute decentralized cooperation programme provides a platform allowing major groups of stakeholders (national Governments, local authorities, civil society, oil companies, intergovernmental organizations, researchers and interested groups) to exchange views and experiences on how to foster sustainable development in oil reproduction areas. Training activities conducted in the field and through the network of CIFAL centres focus on the promotion and establishment of public-private partnerships between local communities, economic actors, national and local governments and oil/gas companies.

40. The UNITAR/decentralized cooperation programme has designed and developed a methodological approach to preparing the ground work, through training and capacity-building, for further implementation of concrete local development projects that benefit the local populations. For the time being, projects have been initiated in three areas (Port Gentil, Gabon; the Niger Delta, Nigeria; and the Mahakam Delta, Indonesia) in collaboration with other United Nations organizations, local authorities and civil society groups, taking into account the specificities of the targeted geographical areas.

[5] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 8* (A/60/8), annex I, sect. B.

I. Legal aspects of debt and financial management

41. The UNITAR training and capacity-building programme in the legal aspects of debt and financial management continues to offer a broad menu of training and capacity-building services intended for government officials, debt managers and central bankers from sub-Saharan Africa, the Central Asian republics and Azerbaijan, as well as from selected countries in other regions. The programme offers regional training for debt managers; in-country workshops through which to build necessary skills; and training on the development of national profiles to ameliorate the legal infrastructure that governs public finance and borrowing. The Institute conducts all of its regional and in-country training under this programme with regional organizations and partners.

42. The programme also offers a calendar of e-learning courses (or online training) on a yearly basis with a view to allowing a broad range of debt managers and finance sector officials to benefit from the in-depth Internet-based skills-building and networking. The topics of the online courses currently being offered include: negotiation of financial transactions; capital market development and regulation (basic and advanced); effective public debt management; mechanics of loan agreements; debt rescheduling with the Paris Club; and, finally, arbitration and alternative dispute resolution. In the year 2004, UNITAR trained over 950 debt and finance managers using the e-learning training approach. Six new e-learning courses are planned for 2005. As of 31 July 2005, two six-week e-learning courses had been completed, training a total of 404 participants from over 70 countries. The third of these six courses is currently running, with over 250 participants enrolled.

43. In addition to training (on-site and online), UNITAR provides a website for the benefit of developing country debt managers. This website (www.unitar.org/dfm) contains the latest information and documentation.

J. UNOSAT programme

44. UNOSAT is the Institute's programme on operational satellite applications and the sole United Nations activity entirely dedicated to elaborating satellite imagery and developing this technology for the use of the United Nations and developing countries worldwide. UNOSAT works with several United Nations organizations and large non-governmental organizations to improve humanitarian response to crises and natural disasters, as well as post-crisis sustainable recovery and vulnerability reduction. These are all areas central to the implementation of the Millennium Development Goals and also to the ongoing United Nations reform process. Most geographical information needs can be met using satellite imagery, but non-specialists face difficulties in obtaining the right information. The UNOSAT core function is to make it easy for United Nations organizations working in emergencies and for local authorities and fieldworkers to identify their needs and obtain the right information in a timely manner. Since 2002, UNOSAT has delivered services 24 hours a day, seven days a week, through the Internet and directly in the field, in the areas of early warning, crisis response, sustainable recovery and vulnerability reduction. UNOSAT support includes methodological guidance, satellite imagery selection and procurement, image-processing, editing of maps and geographical information systems (GIS) services, training and research.

45. In recognition of its unique positioning and role, UNOSAT has become part of several global initiatives of strategic importance. Within the United Nations, UNOSAT is part of the International Recovery Platform (IRP) and the Global Disaster Alert System (GDAS). The Platform is an innovative programme led by a few United Nations organizations and supported by Japan and other donors. The Global Disaster Alert System, which is the result of the collaboration between the Office for the Coordination of Humanitarian Affairs of the Secretariat and the European Commission Humanitarian Aid Office, will redefine the area of early information dissemination for disaster management. In January 2005, UNOSAT represented UNITAR at the World Conference on Disaster Reduction which took note of its work in the final outcome document (the Hyogo Framework for Action 2005-2010: Building the Resilience of Nations and Communities to Disasters).[6] UNOSAT is a recognized partner of the European Commission and the European Space Agency on global undertakings such as the Global Monitoring for Security and Stability (GMOSS) programme and the Global Monitoring for Environment and Security (GMES) programmes. The latter has created a multinational consortium for emergency mapping of which UNOSAT is the pivot. For its experience and its first-hand knowledge of users, UNOSAT has been called to participate in the Global Earth Observation System of Systems (GEOSS). This initiative looks at the same areas as the Global Monitoring for Environment and Security from a strategic and coordination standpoint and is recognized by the United Nations and the European Union (EU). UNOSAT holds the formal status of Participating Organization with the Global Earth Observation System of Systems and participates in the Earth Observation Ministerial Summits (three have been convened thus far).

46. The most visible part of UNOSAT work is the support of emergency relief and peacekeeping operations with geographical information and knowledge management based on satellite applications. In 2004 and 2005, UNOSAT has taken the lead in this area in over 13 countries, in which it helped humanitarian agencies and non-governmental organizations to deliver aid more rapidly and more efficiently, starting with countries affected by the unprecedented disaster caused by the Indian Ocean tsunami. Other countries included the Islamic Republic of Iran (Bam earthquake), Morocco (Al Hoceima earthquake), Namibia, Grenada, Haiti and Guyana (floods), and the Philippines, Pakistan and Nepal (storms and flash floods). Apart from natural disasters, UNOSAT has worked in other emergency and conflict areas: Guatemala, Colombia, Liberia, Iraq, Afghanistan and Sri Lanka (peacebuilding); Senegal, Mauritania and Benin (climate change and environmental assessment); the Sudan and Chad (internally displaced persons assistance and refugee protection); and the Democratic People's Republic of Korea (technological accidents). Finally, a large series of maps have been provided to the United Nations Office on Drugs and Crime for drug control purposes.

47. Besides providing its emergency services, UNOSAT is augmenting its output in the areas of training and research. Training in the use of satellite imagery is particularly in demand at the local level where authorities and communities need geographical information to determine land-use strategies, orient their development and manage their vulnerability to natural hazards. UNOSAT has accumulated experience in training United Nations staff and also local authorities. This experience will be used in cooperation with UNITAR and also the International

[6] See A/CONF.206/6 and Corr.1, chap. I, resolution 2.

Training Centre of the International Labour Organization (ILO). In the area of research, also a vital function of UNITAR, the European Organization for Nuclear Research (CERN) and UNOSAT are working on Grid technology (high-intensity parallel computing for the treatment of large data) and also on new methods for feature recognition in satellite imagery, underground water identification and other future applications.

48. In the past three years, UNOSAT has achieved a significant track record in respect of services provided to a number of key organizations of the United Nations system involved in post-conflict and natural disaster recovery. This experience has been gained in close consultation and coordination with the United Nations Office for Outer Space Affairs and the Office for the Coordination of Humanitarian Affairs, in the framework of the Committee on the Peaceful Uses of Outer Space, the United Nations Geographic Information Working Group, the United Nations Education Technical Working Group and the Inter-Agency Standing Committee. This track record includes:

- Damage mapping packages based on satellite imagery obtained through the International Charter "Space and Major Disasters", which have been made available at the request of the Office for the Coordination of Humanitarian Affairs to the humanitarian community, in more than 13 disasters occurring since November 2003 including outstanding cases such as: the Bam earthquake, Islamic Republic of Iran, 2003; the Al Hoceima earthquake, Morocco, 2004; Haiti, 2004; the Philippines, typhoon and floods, 2005; and the Indian Ocean earthquake and tsunami, 2004.

- Post-conflict environment assessments for the United Nations Environment Programme (UNEP) in Afghanistan, 2003; Iraq, 2004; and Liberia, 2004.

- Long-term disaster risk reduction for the United Nations Development Programme (UNDP) and the International Strategy for Disaster Reduction in Nicaragua; Algeria; the Democratic People's Republic of Korea; Djibouti; Sri Lanka; and Indonesia.

- Regional and local development planning and monitoring for UNDP.

- Conflict assessment and post-conflict recovery support mapping for UNDP (Sri Lanka, Nepal and Guatemala, 2003); for the United Nations Office for Project Services (UNOPS) (Iraq, 2004); and for the Department of Peacekeeping Operations of the Secretariat (Liberia, 2005).

- Satellite imagery programming and supply for illicit crop monitoring by the drug programme of the United Nations Office on Drugs and Crime in all priority countries, including Afghanistan, Myanmar and Colombia (since 2003).

- Humanitarian coordination and disaster mapping for the World Food Programme (WFP) (the Sudan and China, 2005).

- Clear water supply and camp management support for the Office of the United Nations High Commissioner for Refugees (UNHCR) in Myanmar and Chad.

- Biodiversity management and climate change assessment for UNEP and UNITAR in Senegal, Mauritania and Benin (2004) and Sao Tome and Principe (2005).

49. In view of its capacity and experience, UNOSAT should become a permanent programme within the Institute, providing specialized common services applied from satellite and new information technologies for early warning, crisis response, sustainable recovery, vulnerability reduction and capacity-building at the local level. The UNOSAT programme should be governed by an open consortium around a core of key United Nations users including the Office for the Coordination of Humanitarian Affairs, UNDP, the Department of Peacekeeping Operations and UNHCR. Key partners should also include the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Office for Outer Space Affairs, the Security Council and ILO.

50. These multiple experiences have been successfully combined in capacity-building projects at the local level. UNOSAT has tested these methodologies in Nicaragua with the collaboration of the community of Matagalpa. Discussions are under way to replicate this success in other countries and regions, especially in cooperation with UNDP, the World Health Organization (WHO), UNESCO and others. This type of capacity-building integrating local knowledge and technology is particularly valid in the implementation process of the Millennium Development Goals and relates specifically to poverty eradication and vulnerability reduction. UNOSAT is working at developing satellite-based communications including Internet access to further facilitate community-level access to technology.

51. The UNOSAT programme's strength lies in the fact that it combines the capacity to manage complex projects with deep understanding of user requirements and the expertise to define, set up and ensure the delivery of products and services, infrastructure and know-how. Today, UNOSAT represents UNITAR in the Inter-Agency Task Force on Disaster Reduction, the Inter-Agency Standing Committee for humanitarian action, the Secretariat of the Group on Earth Observations (GEO), the Committee on the Peaceful Use of Outer Space and several other bodies. Based on progress made to date, the strategic plan 2005-2007 focuses on service consolidation and strengthening the programme's leadership role within the United Nations system. For more details visit http://www.unosat.org.

K. UNITAR New York Office

52. The main function of the New York Office of UNITAR is to offer training for delegates of Member States accredited to United Nations Headquarters. This year, the Office undertook an evaluation of its activities with a view to: (a) being more responsive to the needs of delegates; and (b) more systematically integrating committees of the General Assembly, commissions of the Economic and Social Council and organizations, funds and programmes into its planning and designing of workshops. With this new perspective, 33 courses — conducted in English, French or Spanish — offered training to 1,837 delegates. New courses such as the summer institute on United Nations reform and the workshop on remittances and development met the most pressing needs and requests of the permanent missions, and were of contemporary relevance to the United Nations agenda.

53. The New York Office's capacity-building activities centre around three broad categories: (a) thematic issues relating to social and economic development, as well as peace and security, such as population and security, environmental governance, maritime law, intellectual property rights and international trade; (b) *functioning of*

the United Nations system, including orientation for new delegates on the work of the General Assembly and of the Main Committees, and a briefing on the Security Council for new members of the Council; and (c) skill-based training ranging from information technology to public speaking, negotiation and the drafting of resolutions.

54. Given the New York Office's mandate as a Regional Office for the Americas, it has sought to respond to the many requests for training made for Latin America and the Caribbean. However, financial and personnel constraints have limited the possibility to fully implement this mandate. Nevertheless, the New York Office responded to requests from the Executive Office of the Secretary-General to support the Global Conference on the Role of Civil Society in the Prevention of Armed Conflict and Peace-Building by hosting a briefing on this issue in the context of Latin America prior to the Conference.

L. UNITAR Hiroshima Regional Office for Asia and the Pacific

55. The UNITAR Hiroshima Regional Office for Asia and the Pacific was established in 2003. In 2004-2005, its second year of operations, the Office pursued a two-pronged policy of institutional and programmatic consolidation and expansion. The regional week-long workshops, held mostly in Hiroshima, have continued to provide the opportunity to assist in and support the work of numerous officials, academics and practitioners from the Asia-Pacific region and to develop and test numerous training methodologies, which are then shared with the participants for replication and implementation at the national level (two such events were organized: in Kyrgyzstan on international economics and finance, and in India, on World Heritage management). United Nations peacekeeping and peacebuilding activities and post-conflict reconstruction, particularly resonant in the context of Hiroshima, were given the highest priority through the holding of a high-level conference on peacekeeping and through the continuation and expansion of the Afghan Fellowship, which has met with much interest, both in Afghanistan and internationally.

56. The Hiroshima Office has also been organizing high-level round tables with notable scholars, politicians and commentators. The round tables have raised the interest of the local community, allowing it to have a better understanding and fostering its support of the Institute's work and presence in Hiroshima.

57. In the two years since the establishment of the Institute's Hiroshima Regional Office, roughly 500 international experts and training participants have come to Hiroshima. Additionally, some 550 Japanese participants and observers also attended the training programmes and monthly round tables. As to its research work, the Regional Office has undertaken this in three ways: through international conferences on capacity-building in post-conflict countries; through ongoing research on capacity-building conducted by international and bilateral organizations; and through close cooperation with specialists in capacity-building.

58. The training methodologies systematically applied by UNITAR to all its training activities are:

- Training of trainers.
- Distance learning and new training technologies.
- Application of knowledge management techniques.
- Project development support and monitoring.

59. Pursuant to General Assembly resolution 59/252, UNITAR will make available to other United Nations organizations involved in capacity-building all its publications and books related to the topic.

60. Representing UNITAR in the Asia-Pacific region and seeking synergies with other projects of UNITAR, the Hiroshima Regional Office also strengthens partnerships among United Nations and other entities. The Institute receives its main financial contribution from the Hiroshima Prefectural Government. The Ministry of Foreign Affairs of Japan and the City of Hiroshima also provide financial assistance to selected programmes. Numerous institutions around the world provide in-kind support. Though the list is not exhaustive, those institutions include the United Nations University (UNU), UNESCO and its World Heritage Centre, the World Bank and its Global Distance Learning Network, Hiroshima University, the University of Texas at Austin, Seton Hall University and the City University of Hong Kong as well as private institutions such as the Getty Conservation Institute (Los Angeles, California) and the Institute for Ocean Policy (Tokyo), all of which regularly send experts to regional office activities. In line with its "training of trainers" philosophy, UNITAR former participants-trainees intervene now as resource persons, co-organizers and coaches of the Institute's training activities, thus expanding the UNITAR Hiroshima network.

M. Dushanbe Field Office in Tajikistan

61. In cooperation with the Ministry of Economy and Trade of Tajikistan, UNITAR opened in October 2004 a Field Office in Dushanbe whose main objective was to help Tajikistan in its process of accession to the World Trade Organization. The General Assembly welcomed the establishment of the Field Office, which is funded by the Swiss State Secretariat for Economic Affairs.

62. On 1 April 2005, the Institute's Field Office entered into its second phase of activities, which consists of a series of training programmes that will be offered so as to benefit Tajikistan's ministries, governmental agencies, non-governmental organizations and the academic community. For that purpose, a training needs assessment mission was conducted by UNITAR in Dushanbe during June 2005, identifying the short-term training needs of the ministries and the civil society with a view to implementing five training workshops from September 2005 to September 2006 in the capital. The topics that would be covered include: law of international watercourses, negotiation skills and techniques, international environmental law and policies, multilateral conference diplomacy and multilateral negotiation, and Tajikistan and migration challenges and opportunities.

63. The training needs assessment also helped to identify the strategic training needs of the various ministries and universities with a view to providing them with training activities and eventually technical assistance.

III. Recommendations

64. **UNITAR should continue to consolidate and expand its training and capacity-building programmes, in particular through cooperation with specialized institutions within and outside the United Nations system.**

65. **The trend towards mobilizing, as a priority, endogenous capacity by relying on existing training institutions in developing countries should be strengthened further. This will guarantee sustainability in the medium term.**

66. **UNITAR should continue to develop innovative training methodologies, such as e-learning and web-based interactive platforms, knowledge management and self-needs assessment, as well as new approaches in public and private partnerships for training. These methodologies must be revisited and renewed through regular evaluation. The United Nations would thus appear among those organizations at the forefront of efficient training and capacity-building endeavours.**

67. **Member States, funds and programmes of the United Nations and specialized agencies should make the best possible use of the Institute's programmes. The active participation of UNITAR in the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), a consortium of seven organizations, suggests that the Institute's UNOSAT programme should be more systematically established to provide specialized common services applied from satellite and new information technologies for early warning, crisis response, sustainable recovery, vulnerability reduction and capacity-building at the local level. The UNOSAT programme should be governed by an open consortium around a core of key United Nations users.**

68. **The issue of rental and maintenance costs of the premises used by UNITAR in New York and Geneva remains pending. The General Assembly at its sixtieth session should consider its expeditious resolution.**

69. **The financial viability of UNITAR remains an issue. While the situation of the programmes financed by special-purpose grants is satisfactory, the non-earmarked contributions to the General Fund remain seriously inadequate. Member States should consider resuming or increasing their contributions.**

70. **The periodicity of the agenda item entitled "Training and research" could, considering the present situation of UNITAR, become biennial as of the sixty-second session of the General Assembly, in 2007.**

United Nations A/60/305

General Assembly

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29 August 2005

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Sixtieth session
Item 73 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 59/188 in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixtieth session, highlighting the practical and preventive measures in that respect.

The report summarizes substantive replies received from the Governments of Azerbaijan, Cuba, Georgia, Iraq and Lebanon in response to a request for information sent pursuant to the resolution.

* A/60/150.

** The present document was submitted late in order to include the maximum number of replies from Governments.

05-47534 (E) 120905

I. Introduction

1. In paragraph 9 of its resolution 59/188 of 20 December 2004, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue collecting their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixtieth session, highlighting the practical and preventive measures in that respect.

2. On 1 June 2005, in accordance with the resolution, the Office of the High Commissioner for Human Rights (OHCHR) sent a request to all permanent missions to the United Nations bringing the resolution to the attention of Member States and seeking their views. As of 13 August 2005, OHCHR had received responses from the Governments of Azerbaijan, Cuba, Georgia, Iraq, Lebanon, Mauritius and Mexico. This report contains summaries of the substantive replies received.

II. Information received from Member States

Azerbaijan

[3 August 2005]
[Original: Russian]

1. The Government of Azerbaijan stated that this report should reflect the violations of rights and freedom of the citizens of the Republic of Azerbaijan who live on the 20 per cent of the territory occupied by Armenia, as well as that of about 1 million refugees who left their permanent residences owing to armed aggression by Armenian military groups.

2. As a result of the armed conflict, the region is being blockaded and air transport is the only link between the Nakhichevan Autonomous Republic and the rest of the country. Thus, the process of comprehensive social and economic development is difficult, which further violates the rights of citizens.

3. Moreover, the continuous terrorist attacks against infrastructure, in particular oil and gas facilities which channel energy sources from Russia to Azerbaijan, frequently cause problems with gas, electricity, heating and water supply to the population, including to hospitals, kindergartens, refugee camps and other social institutions.

4. In the area where armed groups are operating, the right to freedom of movement is violated as well as the smooth running of transborder trade and activities of private and commercial enterprises.

5. Landmines and remains of ordnance are still present on the territory affected by the armed conflict and the populations living in these areas face problems in conducting agricultural activities, cattle-breeding as well as trade.

Cuba

[9 August 2005]
[Original: Spanish]

1. In its response, the Government of Cuba stressed the particular attention it attaches to the consideration of this item by the General Assembly and the Commission on Human Rights, as it is the people of the developing countries who are the victims of unilateral coercive measures imposed on them by some developed countries, in particular the United States of America.

2. The application of unilateral coercive measures as a means of political and economic pressure represents an attack on the independence, sovereignty and the right to self-determination of peoples. The primary victims of these measures are the most vulnerable groups of the population — children, women, the elderly and disabled persons.

3. For 46 years the application of unilateral coercive measures has been a key tool of hostile and aggressive policy by the United States of America towards Cuba, aimed at destroying the political, economic and social system established by the sovereign will of the Cuban people. Its objective is the destruction of the Cuban revolution. The Government of the United States has adopted and applied various unilateral coercive laws and measures against Cuba. The best known — which have been rejected internationally — are the Torricelli Act of 1992 and the Helms-Burton Act of 1996, which are contrary to the Charter of the United Nations, as well as to the agreements of the World Trade Organization.

4. More than 70 per cent of Cubans were born and live under the unilateral coercive measures applied by the United States. The direct damage caused by the implementation of these measures is estimated to exceed US$ 82 billion, i.e. US$ 1,782,000,000 per year. As for 2005, the cost so far has exceeded US$ 2,670 million.

5. Additional measures, recommended in the report "Commission for Assistance to a Free Cuba", entered into force on 30 June 2004, and as many as 12 additional coercive measures were imposed during the second half of 2004 and the first part of 2005. This includes the imposition of sanctions on hundreds of citizens and residents of the United States as well as specific corporations and institutions. The examples cited by the Government of Cuba represent only part of the unprecedented increase in hostile statements and actions by the Government of the United States between 2003 and 2005.

6. Unfounded references to human rights violations in Cuba aim to provide excuses for hostility and eventual aggression. It is inadmissible that the Government of the United States should ignore 13 years of General Assembly resolutions by continuing to adopt laws and measures to strengthen the embargo. The Government of Cuba has a sovereign right to denounce the harm that the embargo causes to its people, to the people of the United States, to third countries and to international law.

Georgia

[7 July 2005]
[Original: English]

The National Security Council of Georgia stated that the policy carried out by Georgia complies with General Assembly resolution 59/188 underlining that the application of unilateral coercive measures as a method of economic pressure is unacceptable. Being a country in transition, Georgia pays particular attention to the protection of State sovereignty and development as well as the protection of economic, social and cultural rights. It further stated that unilateral coercive measures, when applied, violate first the human rights of the most vulnerable groups such as women and children.

Iraq

[11 July 2005]
[Original: Arabic]

The Government of Iraq said that the use of unilateral coercive measures is not only against the principles of the Charter of the United Nations and norms of public international law, but also against principles regulating relations between States. Use of such measures could affect, in particular, the enjoyment of the economic rights of women and children. Moreover, it considered it a necessity to establish a specialized committee to follow up national legislation and prepare recommendations in that regard.

Lebanon

[25 July 2005]
[Original: Arabic]

The Government of Lebanon strongly condemned the use of unilateral coercive measures, underlining that by refraining from exercising these types of measures, the overall enjoyment of social and economic rights could be attained. It further encouraged the adoption of appropriate legal and administrative measures in order to confront the consequences of unilateral coercive measures that transcend regional barriers.

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Sixtieth session
Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

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05-47534* (E) 121005

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2. As a result of the armed conflict, the Nakhichevan Autonomous Republic has been under blockade and is linked to the rest of the country only by air. Thus, the process of comprehensive economic and social development of the autonomy has been difficult, which further violates the rights of citizens.

3. Moreover, the continuous terrorist attacks against infrastructure, in particular oil and gas facilities which channel energy sources from the Russian Federation to Azerbaijan, frequently cause problems with gas, electricity, heating and water supply to the population, including to hospitals, kindergartens, refugee camps and other social institutions.

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Sixtieth session
Item 73 (c) of the provisional agenda*
Human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea

Note by the Secretary-General

The Secretary-General has the honour to submit to the members of the General Assembly the report on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur of the Commission on Human Rights, Vitit Muntarbhorn, in accordance with Commission resolution 2005/11.

* A/60/150.

05-47477S (E) 220905

Summary

In its resolution 2004/13, the Commission on Human Rights decided to appoint a Special Rapporteur to establish direct contact with the Government and the people of the Democratic People's Republic of Korea and to investigate and report on the human rights situation there. Vitit Muntarbhorn was appointed Special Rapporteur in July 2004. The mandate of the Special Rapporteur was extended for one year by resolution 2005/11 and the present report is submitted in accordance with that resolution.

The current situation can be summarized as follows. First, on the constructive side, the Democratic People's Republic of Korea is a party to four key human rights treaties — the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women. It has already submitted various reports under those treaties to the relevant monitoring committees. Second, the Democratic People's Republic of Korea has cooperated with various United Nations agencies. In 2005, with the United Nations Children's Fund, it launched the first National Child Health Day which enabled some 2 million children to receive vitamin A supplements and other health services. Third, like many countries, the Democratic People's Republic of Korea already has some legal and operational infrastructure which can help to promote and protect human rights. Fourth, in recent years the country has undertaken some reforms, particularly in the legal field. In 2004 the Criminal Code was revised to reflect the international principle of *nullum crimen sine lege* (no crime without a law). Fifth, there have been improvements on some fronts, particularly the country's experimentation with liberalizing the economy, but the economic and social situation remains disconcerting.

Various critical challenges remain to be addressed: the right to food and the right to life; the right to security of the person, humane treatment, non-discrimination and access to justice; the right to freedom of movement, asylum, and protection of persons linked with displacement; the right to the highest attainable standard of health and the right to education; the right to self-determination/political participation, access to information, freedom of expression/belief/opinion, association and religion; and the rights of specific persons/groups, including women and children. These issues are explored in the present report. Summary reports are also provided of country missions to Japan and Mongolia to assess the impact of the human rights situation of the Democratic People's Republic of Korea on those countries.

In sum, while there have been some constructive developments in the country in recent decades, there have been various discrepancies and transgressions — several of an egregious nature — in the implementation of human rights in the country, calling for immediate action to prevent abuses and provide redress. Various recommendations are offered at the end of the report addressed to the Government on the one hand, and to other members of the international community, on the other hand.

The present report is based upon the first report of the Special Rapporteur to the Commission on Human Rights (E/CN.4/2005/34), in which he set out his initial observations on the situation of human rights in the Democratic People's Republic of Korea.

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I. Introduction

1. In resolution 2004/13, the Commission on Human Rights expressed deep concern over the human rights situation in the Democratic People's Republic of Korea and requested the Chairman of the Commission to appoint a Special Rapporteur to establish direct contact with the Government and the people of the country and to investigate and report on the situation and on the Government's compliance with its obligations under international human rights instruments. It requested the Special Rapporteur to "seek and receive credible and reliable information, including through visits to the country, from all relevant actors, including Governments, non-governmental organizations and any other parties who have knowledge of these matters". It also invited the Special Rapporteur to report to the General Assembly and the Commission. I was invited to take up the post of Special Rapporteur in 2004. I made an initial statement on the situation under the mandate to the General Assembly in 2004 and submitted my first full report to the Commission in 2005 (E/CN.4/2005/34). The mandate of the Special Rapporteur was extended for one year by resolution 2005/11. The present report is submitted in accordance with that resolution, and is based upon my initial observations on the situation of human rights in the Democratic People's Republic of Korea as set out in my report to the Commission.

II. Method of work

2. To date, while I have sought access into the Democratic People's Republic of Korea, I have not yet been invited into the country and the Government not cooperated with the mandate. I have thus based my report on information from a variety of sources — governmental, non-governmental and intergovernmental. I have held meetings with a variety of key representatives from the governmental, non-governmental and intergovernmental sectors. I also undertook missions to Japan and Mongolia at the beginning of 2005 to witness the impact of the human rights situation in the Democratic People's Republic of Korea on those countries, and summary reports of those missions are included in this study.

3. I wish to thank all Governments, intergovernmental organizations, non-governmental organizations, other entities, and staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for their kind assistance, which is greatly appreciated. The message that I convey to all concerned is to urge the Democratic People's Republic of Korea to see this mandate as a window of opportunity to engage with the world, particularly with the United Nations, to improve the human rights situation in the country. The process adopted by this Special Rapporteur is based upon a constructive step-by-step approach working progressively to promote and protect human rights in the country in a fair, balanced and independent manner.

III. Situation of human rights in the Democratic People's Republic of Korea

A. Constructive elements

4. First, on the constructive side, the Democratic People's Republic of Korea is a party to four key human rights treaties — the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. It has already submitted various reports under these treaties and has engaged with the human rights bodies concerned, namely the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and most recently, the Committee on the Elimination of Discrimination against Women (CEDAW). In 2005 its report on women's rights (CEDAW/C/PRK/1) was considered by CEDAW at its thirty-third session, and the recommendations of the Committee (see CEDAW/C/PRK/CO/1) are borne in mind by this study.

5. Second, the Democratic People's Republic of Korea has cooperated with various United Nations agencies. In 2005 it launched with the United Nations Children's Fund (UNICEF), the first National Child Health Day, which enabled some 2 million children to receive vitamin A supplements and other health services. One human rights treaty body has been allowed into the country; in 2004 members of the Committee on the Rights of the Child were invited to visit the country.

6. Third, like many countries, the country already has some legal and operational infrastructure which can help to promote and protect human rights. For example, the most recent national Constitution, adopted in 1972 and amended in 1992 and 1998, and other national laws and policies provide some guarantees for human rights. However, there are key challenges concerning implementation.

7. Fourth, in recent years the country has undertaken some reforms, particularly in the legal field. In 2004 the Penal Code was revised to reflect the international principle of *nullum crimen sine lege* (no crime without a law). Article 6 of the Penal Code now reads: "The State shall charge criminal responsibilities only in cases of crimes under the Penal Code" (unofficial translation). This is an improvement from the past position, which conferred powers on the authorities to criminalize acts not covered by the Criminal Code by means of "analogous interpretation" of the law. The authorities have also published a compendium of laws for general distribution. Yet, there are still major gaps between principles and practices.

8. Fifth, before 1995, there were various safety nets to help the population, ranging from State-provided health care to extensive access to social security and education. These declined owing to the crisis of the mid-1990s — caused by a variety of factors, including the food crisis, natural disasters, reduction of support from other countries, and mismanagement at the national level. Since then, there have been improvements on some fronts, particularly the country's experimentation with liberalizing the economy, but the economic and social situation remains disconcerting, as described below.

B. Specific challenges

9. No assessment of the human rights situation in the Democratic People's Republic of Korea would be complete unless its interrelationship with international human rights standards, democracy, peace, human security, demilitarization/disarmament and sustainable development is also taken into account. The non-democratic nature of the power base in the Democratic People's Republic of Korea impedes the enjoyment of human rights substantially, while the State-centric focus of the national authorities aimed at ensuring survival of the regime at the top, under the umbrella of so-called "collective" rights and national sovereignty, hampers the realization of human rights and their interrelationship with the other factors mentioned. Moreover, the problem of (de-)nuclearization of the country poses a long-standing, intricate challenge for the Korean peninsula and the international community as a whole. The resumption of talks on the issue between the various key parties in 2005 should be welcomed; not only is that dialogue essential to resolving a sensitive issue with global implications, but positive developments in this regard would also help to create an atmosphere conducive to the promotion and protection of human rights in the country.

1. The right to food and the right to life

10. In the mid-1990s there were catastrophic food shortages brought about by floods and drought, compounded by power imbalances and inadequate response from the power structure. These factors have had a huge impact on the country's development and have endangered many lives and livelihoods. The issue of the right to food is also being dealt with by the Special Rapporteur on the right to food. I wish to support and complement the work of that mandate.

11. The general sentiment is that the situation in 2005 remains critical. There is a drastic shortfall of food produced in the country and possible humanitarian aid from outside. A recent operational assessment is as follows:

> "WFP operations in the DPRK continued to be hampered by funding shortfalls and as a result, 1.2 million pregnant/nursing women and kindergarten and nursery children stopped receiving beans in addition to oil in May. The situation remains critical and despite intensified fund-raising efforts, WFP has received only limited pledges since October 2004. Without a radical change of circumstances, WFP will be forced to cut cereal rations to 3.6 million elderly people, food-for-work participants and their families, primary school children and the poorest urban households in mid-June.
>
> "...
>
> "The Public Distribution System (PDS) ration remains unchanged at 250 grams per person per day composed of a mix of maize and rice. However, officials in many counties informed WFP staff that the ration is likely to be cut again in July, to 200 grams. That would be the lowest level since 2001."[1]

12. In 2004 the Democratic People's Republic of Korea indicated that it was no longer willing to continue with the Consolidated Appeal Process through which United Nations agencies had collaborated to raise support for aid to the country; the authorities preferred to move towards longer-term development aid with fewer

guarantees for monitoring. The adjusted approach was finalized in the Framework for International Cooperation in 2005.

13. In reality, United Nations aid operates on the basis of "no access, no food" — if there is no access to the target group needing the food aid, the food aid will not be handed out. There are continuing debates concerning how much of the food aid provided from abroad actually reaches the target population and to what extent it is diverted for other (clandestine) uses. One source interviewed by myself claimed that there are no major diversions for other uses. Other sources disagree with that viewpoint.

14. The monitoring process is now changing, with potentially more qualitative monitoring as follows:

> "As part of WFP's new monitoring system, the first periodic Household Food Security Assessment took place at the end of May/early June. For 10 days WFP monitoring teams conducted 240 family household interviews, 10 focus group discussions and 70 observational walks within the communities where household interviews were held. The focus group discussions were particularly successful and informative. Many issues otherwise considered as sensitive by the DPRK Government (e.g. informal economy, household expenditure and the deteriorating food security situation) were discussed. The intention is to conduct three such assessments each year, to reflect the changing food needs in specific periods of the agricultural cycle, and thus prioritise food interventions more accurately."[2]

15. In my opinion, what is needed is not reduction of monitoring of the implementation process, but rather more effective monitoring aimed at ensuring maximum transparency and accountability. Yet, while some checks to monitor the distribution of food aid are in place, random checks by foreign humanitarian organizations are still not permitted by the national authorities in the Democratic People's Republic of Korea.

16. On another front, while there is a need to advocate continuation of food aid, the distortions caused by the high military budget should not be overlooked: money from the military/defence sector would be much better spent on the social and economic sector — to lift the country from its food crisis and address the antiquated infrastructure and dire energy and other shortages accompanying that crisis. The following table illustrates the estimated military expenditure:

Estimated military expenditure in the Democratic People's Republic of Korea

Military expenditure in local currency: billion won

1988	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*2004*
3.9	4.3	(4.3)	(4.5)	(4.6)	(4.7)	(4.8)	..	..	..	(2.9)	(2.9)	(3)	(3.1)	(3.3)	(3.9)	4.2

Military expenditure in constant (2003): million United States $

1988	*1989*	*1990*	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*2004*
25.8	27.1	(28.8)	(29.8)	(30.6)	(31.3)	(32.1)	..	..	..	(19.5)	(19.5)	(20)	(20.9)	(22)	(26)	27.9

Source: Information from the Stockholm International Peace Research Institute, at http://www.sipri.org/contents/milap/milex/mex_database1.html.

17. To focus on the issue of food aid alone is incomplete; the authorities of the Democratic People's Republic of Korea are also under a responsibility to reduce military/defence expenditure and ensure equitable re-allocation of resources to respond effectively to the food crisis and other areas needing development.

2. The right to security of the person, humane treatment, non-discrimination and access to justice

18. There are many reports from a variety of sources concerning alleged transgressions in this field, often linked with laws and institutions, especially prisons and detention centres, that are below international standards, aggravated by poor law enforcement and malpractices, including preventive/administrative detention without access to credible courts.[3] There are also myriad publications concerning violence against the person, and several of these sources provided the backdrop for the adoption by the Commission on Human Rights of resolution 2005/11 creating this mandate. In that resolution the Commission expressed deep concern about continuing reports of:

> "(a) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;
>
> "(b) Sanctions on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason leading to punishments of internment, torture, inhuman or degrading treatment or the death penalty;
>
> "(c) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access of everyone to information, and limitations imposed on every person who wishes to move freely within the country and travel abroad;
>
> "(d) Continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions, including by labour-inducing injection or natural delivery, as well as infanticide of children of repatriated mothers, including in police detention centres and labour training camps."

19. A very disconcerting practice is documented by various sources — collective punishment based upon "guilt by association".[4] This means that if a person is punished for a political or ideological crime, members of his or her family are also punished. This has both horizontal and vertical impact — horizontal in that it leads to the persecution of immediate family members and vertical in that it may lead to the stigmatization of subsequent generations, given that the authorities keep records of families as part of the iron grip on the population.

20. On another front, while the Constitution and other laws advocate the principle of non-discrimination, the practice is defective. There are a number of reports that in the past, the population was divided into various groups ranging from those favoured by the authorities, to those seen as borderline or "wavering", and at the bottom of the ladder, those considered as enemies of the authorities. While this

practice may have been abolished in law, it seems to persist and is implied by the testimonies of those who leave the country in search of refuge elsewhere.

21. The Criminal Code was revised in 2004 with the addition of various negative elements, such as increased penalties for anti-State crimes. There are new categories of crimes such as crimes involving national defence management (chap. 4) and crimes against socialist culture (chap. 6). There are mandatory death sentences for "conspiracy to overturn the State", "terrorism", "treason against the fatherland", "treason against the people" and "premeditated murders".[5]

22. On another front, the revised Code reportedly reduces penalties for those leaving the country for non-political reasons, such as to seek economic opportunities in neighbouring countries. There is a new policy to enable them to return to the Democratic People's Republic of Korea with the promise of a pardon. Yet, the key challenge is implementation of the law, in particular the need to treat returnees humanely.

23. Several malpractices have also had an impact on nationals of other States. For instance, the authorities have already admitted to having abducted a number of Japanese nationals, and a summary of this issue is given below. According to information received, nationals of other States have also been abducted. The question is also being dealt with by another United Nations special procedure, the Working Group on Enforced or Involuntary Disappearances, and the Special Rapporteur wishes to support and complement the work of that body.

24. Given the number of reports already received on transgressions in the Democratic People's Republic of Korea affecting the right to security of the person, humane treatment and non-discrimination, there are serious grounds for concern. There are also reports that there is no independent judiciary as part of access to justice for the population, thus indicating an absence of the rule of law. While the Special Rapporteur is not in a position to verify all these reports and allegations, initial impressions suggest that the mass of reports and related allegations cannot be seen as merely coincidental, as they seem to raise a pattern of malpractices calling for immediate redress and checks and balances against abuse of power.

3. The right to freedom of movement, asylum, and protection of persons linked with displacement

25. Generally, the authorities of the Democratic People's Republic of Korea impose strict controls over the movement of people, although these have been relaxed recently to a limited extent. To move from one area of the country to another, the prospective migrant needs to obtain a traveller's certificate from the authorities, a highly cumbersome procedure. To travel across national boundaries into other countries, the person needs to obtain an exit visa or the equivalent. There are punishments for failing to obey the national law on this front; in principle, some of the penalties were reduced by the law reform in 2004. These constraints are inconsistent with the right to freedom of movement guaranteed by human rights.

26. Nationals of the Democratic People's Republic of Korea have been on the move, crossing the border into other countries for at least two main reasons.[6] First, political constraints and persecution act as a push factor pressuring a number of persons to seek asylum in other countries. In the period 2002-2005 many nationals of the Democratic People's Republic of Korea seeking asylum in a number of ways

such as entering embassies and schools in other countries; this led to a clampdown, including arrests and refoulement. It has recently been reported that more people are leaving the country for the purpose of family reunion in other countries. In general, those leaving the country for political reasons fit into the traditional international law definition of "refugee", namely persons fleeing their country of origin for well-founded fear of persecution.

27. Second, the food crisis of the mid-1990s has forced many people to search for livelihoods elsewhere, at times crossing the border into other countries. As persons in this category may also be punished upon return to the Democratic People's Republic of Korea for having left without an exit visa, they may also be classified as "refugees *sur place*", namely those who did not leave the country of origin for fear of persecution, but who may fear persecution upon return to the country of origin.

28. The backbone principle behind the issue of asylum and refugee protection is non-refoulement, namely persons seeking asylum must not be pushed back to areas of danger. Currently, there are lapses in compliance with this principle in some countries that are receiving those seeking asylum from the Democratic People's Republic of Korea, and the principle needs to be complied with effectively by all countries.

29. On a related front, there is still a debate concerning whether those seeking asylum are "illegal immigrants" (often linked with economic migration/economic migrants) or refugees. The former implies that they can be sent back to their country of origin, while the latter are protected by the principle of non-refoulement. I would submit that a key test is to see whether they are protected by the country of origin. If they are not, this should open the door to international protection and legitimize their classification as refugees. Even if some countries are not ready to classify them openly as refugees, these persons should at least be treated as persons in need of international protection, and basic international law principles, such as non-refoulement, should be upheld for their protection.

30. There is also a need to ensure that those seeking asylum have access to the Office of the United Nations High Commissioner for Refugees (UNHCR) and to procedures to determine their status; if they fall into the category of refugees, they should be allowed to stay in the asylum country at least temporarily and should be treated humanely with due regard to the principle of non-refoulement. According to information received, recent trends indicate a disquieting picture: there is an increasing proportion of women among the new arrivals in many countries as discussed below.

31. On another front, the plight of countries receiving asylum-seekers should not be overlooked, especially where there are mass influxes. It is incumbent upon international solidarity and responsibility-sharing to help shoulder the load of those countries. If the first asylum country is not able or willing to grant refuge to the asylum-seekers, other countries should offer a helping hand through such modalities as offering resettlement places. This is already happening to some extent in regard to asylum-seekers from the Democratic People's Republic of Korea and it needs to be well supported. It is also worth reiterating that the grant of asylum in international law should not be regarded as an unfriendly act. Rather, source countries, such as the Democratic People's Republic of Korea should respect that process while helping to address the root causes that give rise to outflows of people and enabling the safe return without penalties of those who wish to do so.

4. The right to the highest attainable standard of health and the right to education

32. Before the mid-1990s, the economic and social situation was generally constructive, particularly with regard to access to social services such as health care and education. However, despite official sources claiming such developments as universal access to education and no unemployment, it has always been difficult to verify the real scope of the coverage. Moreover, there were/are always practical challenges, linked with the fact that access to services were/are easier for those favoured by the authorities, while those on the margins, such as the politically/economically/socially deprived and those in prison, suffer from a degree of exclusion owing to lack of or inadequate access to the social security system. Currently there is a critical shortage of medicines, while the breakdown of electricity and water supplies and poor sanitation take their toll among the medical and educational services.

33. While the economic and social situation has improved on some fronts, in qualitative terms, the situation in the country has always been ambivalent. Health services tend to be more accessible to those close to the authorities, while the educational system is heavily controlled by the State. There is a high degree of indoctrination whereby the children are trained from a young age to be subservient to the State and its ideology (*juche* and worship of the leader), in addition to pervasive instrumentalization of the young population by the authorities to legitimize and perpetuate the political modus vivendi. This is compounded by lack of access to a variety of sources of information and participatory methodology to nurture critical, analytical thinking so as to provide space for a plurality of choices and voices. I underline my support for the various United Nations procedures that deal with these issues and wish to complement their work.

5. The right to self-determination/political participation, access to information, freedom of expression/belief/opinion, association and religion

34. The right to political participation is an inherent component of the right to self-determination and should be based upon the will of the people rather than that of the national authorities claiming to personify the State. Yet, in the setting of the power polity in the Democratic People's Republic of Korea, it is the latter which prevails.

35. While it is claimed by the national authorities that there are rights in regard to access to information, expression/belief/opinion, association, and religion, the reality is often the contrary. This is exemplified by the fact that it is still illegal to listen to foreign radio without official permission. The very nature of the State impedes various freedoms such as expression/belief/opinion, since political dissidents are not tolerated and are punished severely. While a workers' union exists in the country, it is State controlled, and a multiparty political system does not exist — in effect, the State's monopolistic power base does not allow it. It is also impossible to set up and run genuine non-governmental organizations free from State interference.

36. In regard to freedom of religion, despite claims of liberalization by the national authorities, many sources indicate the contrary: there is repression not only of religious personnel but also those who seek to associate with them. According to information received, various worshippers and members of religious personnel are persecuted, at times to the extent of being abducted.

6. The rights of specific persons/groups: women and children

37. The Democratic People's Republic of Korea had witnessed various achievements concerning aspects of women's rights, particularly guarantees of gender equality in various laws, including the Constitution, before the food shortage crisis which began in 1995. There was/is broad participation of women in the workforce at the middle and lower levels. Yet, those achievements should not obscure various difficulties that have permeated the system since its inception. There is inherently a difference between de jure guarantees and de facto implementation. There were/are still prejudicial stereotypes — particularly the belief that the woman's place is in the home — which traditionally undermine women's rights. There is only limited access by women to key decision-making positions at the top, particularly in politics, the judiciary and the civil service.

38. There are other disconcerting developments. First, a large number of mothers have suffered from the food shortage since the mid-1990s and their nutritional status has not improved. In 2004 an extensive food and nutrition survey carried out by United Nations agencies in cooperation with the Democratic People's Republic of Korea revealed that while the situation of children had improved on some fronts in regard to malnutrition, the situation of women had not improved: some one third of mothers were found to be malnourished and anaemic, and that obviously affected the child's malnutrition. There was no improvement between the situation in the previous survey executed in 2002 and the most recent survey in 2004.[7]

39. Second, there is a major concern in regard to smugglers of human beings and traffickers exploiting women who seek asylum or livelihoods in other countries. Why do recent reports suggest that there is now a greater proportion of women than men who seek asylum in neighbouring countries — who are also smuggled and/or trafficked?[8] It seems that the smugglers and traffickers are currently targeting women directly; this can be seen in the report below on my visit to Mongolia where I interviewed women who had been prey to the phenomenon. Moreover, the smugglers and traffickers believe that women tend to fulfil their promise to pay their smugglers and traffickers better than men do. It is also reported that some neighbouring asylum countries are less likely to punish women than men for illegal entry.

40. Third, there is the issue of violence against women. This has a domestic feature in the form of violence at home and in the family. The other feature is institutional violence, particularly in prisons and other closed institutions, which are substandard. This affects in particular women who do not belong to the ruling elite and who are marginalized by the cloistered political system. CEDAW called on the Democratic People's Republic of Korea:

> "to conduct research on the incidence, causes and consequences of all forms of violence against women, including domestic violence, and to include the results in its next periodic report. In this regard the Committee urge[d] the State party to find ways to make visible the existence of domestic violence, for example by training health workers to identify signs of abuse. It also recommend[ed] that the State party adopt specific legislation on domestic violence and ensure that violence against women and girls constitute a criminal offence, that women and girls who are victims of violence have

access to immediate means of redress and protection and that perpetrators are prosecuted and punished ..." (CEDAW/C/PRK/CO/1, para. 38).

41. With regard to child development, the 2004 food and nutrition survey mentioned above indicates a decline in child malnutrition as compared with the findings of the 2002 survey, although the malnutrition rates are still high. Stunting is reported in 37 per cent, underweight 23 per cent and wasting 7 per cent of the children covered by the survey, with a significant improvement among the 1-3 year age group.[9]

42. Behind this, there has always been a sense of ambivalence: the implementation of child rights has to be seen from the angle of those who do not fit into the power base. The children of those who diverge from or who are ostracized by the ruling elite are discriminated against in their access to services. The appalling conditions of the prison system and various institutions obviously have a negative impact on children who are institutionalized or who have to confront the juvenile justice system. The food shortage has also pushed many children out onto to the streets. The current critical situation has also led to fears of more displacements and influxes into neighbouring countries.

IV. Country visits

A. Japan

43. I paid a visit to Japan from 24 February to 4 March 2005 to examine the impact of the human rights situation in the Democratic People's Republic of Korea on Japan, in particular the reported abductions of Japanese nationals by the Democratic People's Republic of Korea. A number of Japanese nationals were abducted by agents of the Democratic People's Republic of Korea in past decades, particularly in the 1970s and 1980s. In 2002 at a summit — the first — between the leaders of Japan and the Democratic People's Republic of Korea, held in Pyongyang, the latter admitted that the Democratic People's Republic of Korea had been involved in a number of abductions and apologized accordingly. The two sides also adopted the "Japan-DPRK Pyongyang Declaration" as the basis for their bilateral relations. Paragraph 3 lays the groundwork as follows:

> "Both sides confirmed that they would comply with international law and would not commit conducts threatening the security of the other side. With respect to the outstanding issues of concern related to the lives and security of Japanese nationals, the DPRK side confirmed that it would take appropriate measures so that these regrettable incidents, [which] took place under the abnormal bilateral relationship, would never happen in the future."

44. This was followed by a second summit, which took place in 2004. At this meeting, the Democratic People's Republic of Korea promised to conduct a thorough reinvestigation of the cases in order to confirm the whereabouts of the abductees, whose safety remained unknown. Japan and the Democratic People's Republic of Korea continued the negotiations with working-level consultations.

45. Various uncertainties remain and they need to be dealt with satisfactorily on the basis of constructive dialogue and related follow-up. At the time of my visit, Japan claimed that 15 individuals had been abducted by the Democratic People's

Republic of Korea. On 21 April 2005, the Government of Japan claimed that an additional Japanese citizen, a male, had been abducted by the Democratic People's Republic of Korea. Five of these individuals have now returned to Japan. Of the remaining 10 individuals listed, the Democratic People's Republic of Korea claimed that only eight were taken into the Democratic People's Republic of Korea, while the other two never entered the country. The Democratic People's Republic of Korea also claims that the eight individuals mentioned had died, and that it had returned the remains of two of those individuals to Japan, in 2002 and 2004.

46. The authenticity of those remains has been contested by Japan. The alleged remains of a man abducted by the Democratic People's Republic of Korea were returned to Japan in 2002 and 2004 and were subjected to forensic tests. The remains returned in 2002 were found not to belong to the man in question, while those returned in 2004 were found to belong to four other persons. With regard to the remains of a woman abducted by the Democratic People's Republic of Korea (whom the Democratic People's Republic of Korea also claimed to have committed suicide in the Democratic People's Republic of Korea) and returned in 2004, various forensic tests were carried out in Japan in 2004. The tests revealed that the remains were not those of the abductee. Later, the Democratic People's Republic of Korea responded to the effect that the country would not resume talks with Japan in relation to the abductions, as it considered the issue to be settled. Subsequently, in February 2005, the Democratic People's Republic of Korea rebutted Japan's claim in regard to the results of the forensic tests and demanded that the remains be returned to the Democratic People's Republic of Korea.

47. The circumstances concerning the alleged deaths of the eight individuals mentioned, and concerning the two individuals of whom the Democratic People's Republic of Korea denies knowledge, remain ambivalent and equivocal. Several of these cases have also been brought to the attention of the Working Group on Enforced or Involuntary Disappearances, which is still considering them.

48. Many sources in Japan, particularly the families of the abductees, believe that a number of Japanese nationals abducted by the Democratic People's Republic of Korea are still alive in the Democratic People's Republic of Korea. The feeling is that they should be returned to Japan expeditiously. The issue of the remains that have been returned to Japan, and which have been found by Japan not to belong to the abductees in question, has had an enormous impact on the public, which demands clarification and that the Democratic People's Republic of Korea accept responsibility. Some quarters have advocated strong measures to elicit an effective response. Some sectors of the community feel that the number of people abducted by the Democratic People's Republic of Korea is significantly larger than the 15 cases mentioned above.

49. On another front, other sources advised that while the issue of abductions is of great importance to Japan, there is a need for a balanced approach to ensure that the other major issues of the day that also have an impact on human rights, especially the multi-party talks concerning denuclearization of the Democratic People's Republic of Korea, should not be compromised. There is evidently a relationship between human rights, peace and security in North-East Asia. Some also raised the issue of historical antecedents affecting the Korean peninsula and the related challenge of accountability on the part of all parties involved. On this front, I welcome the spirit of the summits between the two countries, particularly the 2002

summit where each party apologized to the other for various past practices, in addition to agreeing to follow-up measures.

50. It should be recalled that the abductions of persons ("enforced disappearances") is generally forbidden in both national law and international law. Human rights, including the right to life and security of the person, are transgressed when these practices take place. Key international human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights provide the yardsticks for the protection of persons against abduction. Importantly, there is also a United Nations instrument specifically on the issue of abduction or enforced disappearance. In 1992 the Declaration on the Protection of all Persons from Enforced Disappearance was adopted by the General Assembly by its resolution 47/133. According to the Declaration, a number of measures are required to prevent abductions and to provide redress. They include effective legal and other measures on the part of each State to prevent and terminate abductions; the criminalization of acts of abduction; bringing the perpetrators to justice; prompt and effective judicial remedy as a means of determining the whereabouts of the person deprived of liberty; and release of the person deprived of liberty in a manner permitting reliable verification of her/his release. Abductions are considered a continuing offence as long as the perpetrators continue to conceal the whereabouts of the victims and these facts remain unclarified. The Declaration also pays particular attention to the plight of the victims and their families, and their call for justice.

Recommendations on the country visits to Japan

51. **I wish to express my deep concern over the issue and wish to convey five key messages as a humanitarian call:**

(a) **Responsibility: I call upon the Democratic People's Republic of Korea to respond effectively and expeditiously to Japan's claim that there are a number of Japanese nationals abducted by the Democratic People's Republic of Korea who are still alive in the Democratic People's Republic of Korea and that they should be returned to Japan immediately and in safety;**

(b) **Transparency: I call upon the Democratic People's Republic of Korea to ensure reliable and objective verification of its claim concerning the alleged deaths of various Japanese nationals abducted by the Democratic People's Republic of Korea, to clarify related ambiguities and discrepancies, and to ascertain whether other Japanese nationals have been abducted by the Democratic People's Republic of Korea;**

(c) **Family unity: I call upon the Democratic People's Republic of Korea to respect and guarantee family unity/reunification, particularly for those who have suffered from the abductions;**

(d) **Accountability: I call upon the Democratic People's Republic of Korea to rectify the discrepancies and enable the victims of abductions and their families to access justice and seek redress effectively and expeditiously from those responsible for the abductions, including bringing to justice those responsible for the acts;**

(e) **Sustainability: I call upon the Democratic People's Republic of Korea to resume and sustain dialogue and actions with Japan to solve**

peacefully the problem of abductions of Japanese nationals by the Democratic People's Republic of Korea, to ensure satisfactory resolution of the issue, and to prevent abductions from happening again.

52. **These messages should be seen in the light of the call for international solidarity to support the two countries in their bilateral dialogue/relations to solve the problem constructively, reflecting the need to promote and protect human rights comprehensively on the basis of international law and the international human rights framework.**

B. Mongolia

53. I visited Mongolia from 4 to 11 March 2005. The main purpose of this visit was to examine the consequences of the human rights situation in the Democratic People's Republic of Korea, in particular the displacement of people across borders and its relationship to the refugee phenomenon.

54. Since 1999 Mongolia has been witnessing an influx of persons from the Democratic People's Republic of Korea seeking refuge. On average, several hundred persons annually manage to cross the border into Mongolia on its eastern frontier, at times in groups and at times alone, seeking refuge. Recent flows suggest that more young women are seeking refuge, at times with children. The pattern suggests that several spend a period of time in China before entering Mongolian territory. The influx into Mongolia appears to be "organized" in that the persons seeking refuge have been assisted by various entities working clandestinely to secure the entry of these persons into Mongolia.

55. Once they gain access to Mongolian territory, they are interviewed by border personnel and other concerned authorities before being taken to the capital city for more in-depth interviews and medical assistance. The current position of the Mongolian authorities is to provide temporary shelter to these people and to treat them as humanitarian cases. This policy abides by the international principle of non-refoulement, which prohibits the sending back of refugees (or deporting them) to their country of origin where there is a threat of persecution. In reality, these persons are in transit, as they later depart for the Republic of Korea for long-term settlement. Official sources indicate that pending their exit, those seeking refuge in Mongolia are cared for in Ulaanbaatar, and there are no plans on the part of the Government of Mongolia to set up a refugee camp to house them.

56. The Mongolian authorities should be commended and supported for their humanitarian stance which bodes well for the country's commitment to democracy and human rights. The country also has various mechanisms, such as the National Human Rights Commission of Mongolia, which help to provide checks and balances to promote and protect human rights. It should not be forgotten that there are various economic pressures at home, since Mongolia is still a developing country with limited resources and widespread poverty. The humanitarian stance is also fraught with political difficulties, since some neighbouring countries currently differ from Mongolia in their approach on how to treat those who seek refuge from the Democratic People's Republic of Korea.

57. Since 2001 UNHCR has been present in Mongolia and helps to build the capacity to respond to the situation of those seeking refuge. Some sources whom I

met felt that there was more room for the national authorities to cooperate with UNHCR, especially to share information and ensure transparency concerning influxes. Currently there is also a move by Mongolia to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and this is welcome. There is also OHCHR representation in the country.

58. The above scenario should be placed in context. The strategic position of Mongolia — between two great Powers — and geographically near the Democratic People's Republic of Korea and the Republic of Korea highlights the care with which the country must chart its course in international relations in general, and on the issue of asylum and refugees in particular. The country maintains good relations with the neighbouring Powers and with both the Democratic People's Republic of Korea and the Republic of Korea. The friendly historical ties with the Korean peninsula are witnessed by the fact that in the 1950s at the time of the Korean war, Mongolia provided shelter to orphans from that region. Although the Democratic People's Republic of Korea closed its embassy in Mongolia some time ago, the Democratic People's Republic of Korea has now re-established it and it is doubtless aware of the presence of those seeking asylum in the country.

59. The careful policy adopted by Mongolia is to maintain friendly relations with all parties while adopting a humanitarian approach towards those who seek refuge. The fear of a mass influx of non-nationals into Mongolia, and its possible destabilizing effect, inevitably influences policy-making and security concerns. This is pertinent not only to those seeking refuge from the Democratic People's Republic of Korea but also from other countries.

60. I met and talked to a number of people who had sought asylum in Mongolia and their accounts provided key indications concerning refugee status. Most of the group were women in their twenties and thirties. They told me about harrowing and distressing experiences in the Democratic People's Republic of Korea ranging from persecution and discrimination to enforced disappearances of family members, collective punishment of families by the State authorities, hunger and economic deprivation, the privileged position of those in power, the State's intolerance of those who disagree with those in power, forced labour, "re-education", and inhuman prison conditions for those imprisoned for trying to leave the country without permission from the authorities. Some had tried to escape from the country twice, but upon arrival in a neighbouring country were deported back to the Democratic People's Republic of Korea, where they were imprisoned and labelled "criminals" or "traitors". Subsequently they escaped again and ultimately arrived in Mongolia overland, crossing the territory between the Democratic People's Republic of Korea and Mongolia.

61. All those whom I met had come to Mongolia through a neighbouring country with the help of some organizations, and they had either paid a large sum of money (about 3 million won, nearly US$ 3,000) or were "under contract" to pay the sum upon arrival in the resettlement country. Some of those whom I met felt that this was the sole way of gaining access to the border to seek refuge in Mongolia. The journeys are not only dangerous but also replete with difficulties, such as the need to pay officials to allow passage before reaching Mongolia. One of the women I interviewed provided evidence indicating that before she managed to seek refuge in Mongolia, she had been trafficked for dubious purposes in a neighbouring country, after which she was able to get help to reach the Mongolian border. They were all

very grateful to the Mongolian authorities for providing refuge and hoped to resettle in the Republic of Korea. I also received reports that some religious organizations were helping those seeking refuge gain access to the destination country.

62. One of the perennial challenges internationally and nationally, is ascertaining and identifying refugee status; such status provides international protection in the absence of national protection. Under international law, a refugee is generally a person who leaves her/his country of origin owing to a "well-founded fear of persecution". This is conditioned by both subjective elements, e.g. a person's feelings and experiences, and objective elements, e.g. the situation in the country of origin. A key right pertaining to such status is non-refoulement.

63. Currently, Mongolia regards those who seek refuge from the Democratic People's Republic of Korea as humanitarian cases, without specifically calling them "refugees". The country does not yet have a law specifically to determine refugee status, although various national laws contain provisions that give the authorities discretion to grant asylum. The current policy of granting temporary refuge to these people already indicates a degree of flexibility in applying the immigration-related provisions: while in national law, these people may be seen as illegal border-crossers, in effect, they are not treated as such. They are not punished for crossing the border without visas, but are housed temporarily in Mongolia on humanitarian grounds, pending resettlement in another country.

64. Preliminary analysis of the situation suggests that currently, those seeking asylum from the Democratic People's Republic of Korea who enter Mongolia fall primarily into two groups: they are refugees, or "refugees *sur place*". The most certain way of knowing into which category those seeking refuge fall is to have a screening procedure (e.g. a panel) to determine their status, preferably with the presence of the primary United Nations agency dealing with the issue, UNHCR. Currently, while informal interviews are carried out by the Mongolian authorities in regard to those seeking refuge, a formal mechanism of the nature just noted does not yet exist and needs to be developed. With such a mechanism, there will be greater clarity, certainty and objectivity in the determination of the status of those seeking refuge in the country. In practice, the authorities tend to classify those who seek asylum from the Democratic People's Republic of Korea as humanitarian cases without delving into formal investigations into whether they are refugees or not. This approach provides a kind of euphemism, aimed partly at keeping the situation low-key and partly at avoiding a negative reaction from other countries that may not be agreeable to a humanitarian policy.

65. One issue affecting those seeking refuge that has arisen in recent years is the problem of human trafficking and smuggling. Basically, human trafficking is the transfer of a person by another person for the purpose of exploitation, e.g. sexual exploitation, forced marriage, or other forms of slavery; this may be within a country or across borders. Smuggling, however, is where an intermediary helps a person to cross the border illegally into another country. The international position is now clarified by the Protocol to Prevent, Suppress and Punish Trafficking of Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organised Crime of 2000. Mongolia is considering accession to these treaties. In international law, victims of trafficking or smuggling should be treated as victims and should not be punished. However, human trafficking and

smuggling should be criminalized and action should be taken to punish the traffickers and smugglers. This should be seen in the light of the fact that in several cases, refugees are in such desperate situations that the only way that they can find refuge in another country is through the use of traffickers or smugglers, at times with fake travel documents. Moreover, in reality, a distinction should be made between criminals who profit from trafficking and smuggling refugees, on the one hand, and non-governmental organizations or civil society members who assist refugees to find a safe haven. The call for criminalization should be vis-à-vis the former rather than the latter.

66. Nor is their refugee status to be affected if the persons concerned are also victims of trafficking or smuggling. This is clarified by the "saving clauses" found in both Protocols mentioned above, to the effect that the status of trafficked persons or smuggled persons is not to compromise their status as refugees where the criteria are satisfied under international law, including under the Convention relating to the Status of Refugees. A person does not lose her/his refugee status merely because s/he is also trafficked or smuggled.

Recommendation on the country visit to Mongolia

67. **For the future, key directions for Mongolia include the following:**

(a) **Sustain its humanitarian policy and practice in sheltering those who seek refuge in the country;**

(b) **Protect and assist refugees, bearing in mind various vulnerable groups such as women and children and the need to cooperate closely with UNHCR;**

(c) **Continue to abide by international human rights law and international law concerning refugees, ensure effective implementation measures, and build capacity among law enforcement officials, including by means of training in human rights and refugee law (particularly the principle of non-refoulement) for border officials, and raise awareness among the public to nurture sympathy and understanding for those who seek refuge;**

(d) **In the case where persons are trafficked or smuggled, treat them as victims, ensure that they are not penalized and use victim-sensitive procedures;**

(e) **Accede to the Convention relating to the Status of Refugees and its Protocol, and adjust the country's laws, policies and mechanisms accordingly, with key support from and in cooperation with UNHCR and other United Nations agencies;**

(f) **Utilize independent mechanisms such as the National Human Rights Commission of Mongolia to help monitor the situation and support non-governmental organizations and civil society to help those who seek asylum in the country, in addition to building a network among key actors and computerizing the data on refugees and other non-nationals.**

V. Recommendations

68. **In retrospect, while there have been some constructive developments in the Democratic People's Republic of Korea in recent decades, there are a variety of discrepancies and transgressions — several of an egregious nature — in the implementation of human rights in the country, calling for immediate action to prevent abuses and to provide redress. To promote and protect human rights in the Democratic People's Republic of Korea, the Special Rapporteur reiterates the recommendations contained in his report to the Commission. The recommendations are imperative, but non-exhaustive:**

(a) **The Democratic People's Republic of Korea should:**

(i) **Abide by international human rights standards, including the four human rights treaties to which it is a party, follow up the recommendations of the monitoring committees set up by these treaties, and accede to and implement other relevant treaties;**

(ii) **Reform laws and practices that are inconsistent with those standards;**

(iii) **Uphold human rights together with democracy, peace, sustainable development and demilitarization, with greater space for civil society participation at all levels of decision-making and implementation;**

(iv) **Respect the rule of law, particularly the promotion of an independent and transparent judiciary, safeguards for the accused/detainees, access to justice and civil society participation, and checks and balances against abuse of power, e.g. through the establishment of a national human rights commission or equivalent, genuine non-governmental organizations, and active and independent media;**

(v) **Reform the administration of justice, in particular to improve the prison system, abolish capital and corporal punishment and forced labour, and end preventive or administrative detention as well as the detention of political prisoners;**

(vi) **Address the root causes of displacement, prevent persecution and victimization of those who are displaced, including when they return to their country of origin, treat those who are displaced, smuggled and/or trafficked humanely, foster social reintegration of returnees, and guarantee the right to freedom of movement without imposing sanctions on those who move without permission;**

(vii) **Provide redress for transgressions, such as those in relation to the abductions of foreign nationals, through expeditious and effective processes;**

(viii) **Build the capacity of law enforcement bodies and the public to protect human rights through proactive programmes of human rights education that are gender and child-sensitive and promote a critical analysis;**

(ix) **Issue a clear directive, perhaps in the form of a national human rights action plan prepared with broad public participation, to law enforcement bodies and other authorities to respect human rights;**

(x) **Ensure that humanitarian assistance, including food aid, reaches the target groups, with unimpeded access and transparent monitoring and accountability;**

(xi) **Invite the Special Rapporteur and other mechanisms, as appropriate, to visit the Democratic People's Republic of Korea to take stock of the human rights situation and recommend reforms;**

(xii) **Seek technical assistance from the Office of the United Nations High Commissioner for Human Rights and other agencies, as appropriate, to support activities to promote and protect human rights.**

(b) **Other members of the international community should:**

(i) **Influence the Democratic People's Republic of Korea constructively to follow the recommendations noted above;**

(ii) **Uphold the protection of refugees and other persons displaced from the Democratic People's Republic of Korea, including the principle of non-refoulement and the grant of at least temporary refuge/protection, and end bilateral and other arrangements that jeopardize the lives of those who seek asylum;**

(iii) **Promote orderly and safe channels of migration with the country of origin to reduce clandestine channels and promote intercountry cooperation to counter human smuggling and trafficking, while treating the victims humanely;**

(iv) **Provide space for long-term solutions to help refugees, including local settlement in the first-asylum country, resettlement in third countries, and safe and voluntary repatriation with adequate follow-up, and strengthen international solidarity in sharing the responsibility to care for refugees and migrants;**

(v) **Ensure that aid and assistance reach vulnerable groups with transparent monitoring and accountability, supported by unimpeded access by humanitarian organizations.**

Notes

[1] United Nations Office for the Coordination of Humanitarian Affairs: OCHA Office in the Democratic People's Republic of Korea, DPR Korea Situation Report for April-May 2005, No. 03/05, p. 1.

[2] Ibid.

[3] For example: Human Rights Watch, "The Invisible Exodus: North Koreans in the People's Republic of China", Human Rights Watch, vol. 14, No. 8 (c) (November 2002), pp. 1-36; Amnesty International, "Starved of Rights: Human Rights and the Food Crisis in the Democratic People's Republic of Korea (North Korea)", ASA/24/003/2004 (January 2004); D. Hawk, The Hidden Gulag: Exposing North Korea's Prison Camps (Washington, D.C.: US Committee for Human Rights in North Korea, 2003); Korean Institute for National Unification, White Paper on

Human Rights in North Korea 2004 (Seoul: Korean Institute for National Unification, 2004); Good Friends, Human Rights in North Korea and the Food Crisis (Seoul: Good Friends, 2004). The question of humane treatment is closely linked with the refugee issue: see further: The Commission to Help North Korean Refugees, The Reality of Forced Repatriation of North Korean Refugees (Seoul: The Commission to Help North Korean Refugees, 2000); Citizens' Alliance for North Korean Human Rights and Helsinki Foundation for Human Rights, The Fifth International Conference on North Korean Human Rights and Refugees (Seoul: Citizens' Alliance for North Korean Human Rights, 2004). With regard to the various non-governmental sources listed, it should be noted that a number of non-governmental organizations working on the issue of human rights, and the Democratic People's Republic of Korea diverge on the strategies to address the problem. The link with the issue of religion can be seen from the United States Commission on International Religious Freedom, Annual Report (Washington D.C.: United States Commission on International Religious Freedom, 2004). For a more policy-oriented and political approach, see: International Crisis Group (ICG), North Korea: Where Next for the Nuclear Talks?, Asia Report No. 87 (Brussels: ICG, 2004) and ICG, North Korea: Can the Iron Fist Accept the Invisible Hand? (Brussels: ICG, 2005).

[4] Ibid.

[5] White Paper on Human Rights in North Korea 2005 (Seoul: Korean Institute for National Unification, 2004), p. 38.

[6] For recent information, see the material relating to the Sixth International Conference on North Korean Human Rights and Refugees, Seoul, 14-16 February 2005 on the website of the Citizens' Alliance for North Korean Human Rights (www.nkhumanrights.or.kr/nkhr_new/main.htm); J. R. Charney, *Acts of Betrayal: The Challenge of Protecting North Koreans in China* (Washington, D.C. Refugees International, 2005).

[7] UNICEF Humanitarian Action DPR Korea Donor Update, 12 May 2005, p. 1 and DPRK 2004. Nutrition Assessment: Report of Survey Results (Pyongyang: Central Bureau of Statistics and Institute of Child Nutrition, 2005). See further: UNICEF, Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea (Pyongyang: UNICEF DPRK, 2003).

[8] N. K. Muico, An Absence of Choice: The Sexual Exploitation of North Korean Women in China (London: Anti-Slavery Society, 2005) and op. cit. note 6.

[9] UNICEF, op. cit. at note 9.

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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 59/177. It focuses on activities undertaken by States, the Office of the United Nations High Commissioner for Human Rights, United Nations bodies, specialized agencies, international and regional organizations, national human rights institutions, non-governmental organizations and youth groups and organizations to implement the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

* A/60/150.

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I. Introduction

1. In its resolution 59/177, the General Assembly requested the Secretary-General to submit a report on the implementation of the resolution to the Assembly at its sixtieth session. The present report focuses on activities relating to the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance since the presentation of the previous report to the General Assembly (A/59/375). In this regard, reference is also made to reports previously submitted on the comprehensive implementation of the Durban Declaration and Programme of Action to the Commission on Human Rights at its fifty-eighth, fifty-ninth and sixtieth sessions (E/CN.4/2002/21, E/CN.4/2003/18 and Add.1 and 2 and E/CN.4/2004/17) and to the General Assembly at its fifty-seventh and fifty-eighth sessions (A/57/443 and A/58/324).

2. Between 29 April and 2 May 2005, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent requests to States, United Nations bodies and specialized agencies, international and regional organizations, national human rights institutions and non-governmental organizations (NGOs) for information on follow-up and implementation activities undertaken in the context of the World Conference. In order to facilitate the identification of the relevant global trends, a guidance note on responses was attached to the correspondence. The deadline for the submission of contributions was 30 June 2005. The responses received are summarized in the present report, which also includes responses to a note verbale sent to Governments in November 2004. Original contributions are available for consultation in the Secretariat. Any additional contributions received will be included in the report to the General Assembly at its sixty-first session.

II. Contributions received

A. Member States

3. The National Plan against Discrimination of Argentina, prepared with the support of OHCHR, was adopted in July 2005. The Plan consists of an analysis of the discrimination situation in Argentina, including a set of 250 concrete recommendations. The next steps include the promulgation of the Plan by presidential decree.

4. In March 2005, Canada announced "A Canada for All: Canada's Action Plan Against Racism". The Action Plan establishes a horizontal approach across federal departments and agencies and outlines a significant number of new and continuing commitments to combat racism and hate-motivated crime based on ethnic, racial, religious and linguistic grounds. The new initiatives include, inter alia, the strengthening of partnerships between federal institutions and ethnocultural and ethnoracial communities.

5. Chile established the Programme for Tolerance and Non-Discrimination to promote the creation of conditions for the full enjoyment of rights and the participation in public life by those segments of the society vulnerable to discrimination. The Programme works through an inter-ministerial network and a multicultural citizens' network. It has been entrusted with the task of elaborating a

Plan for Equality and Non-Discrimination, which should serve as an orientation toolkit for public institutions. The strategy is to establish a new social contract for Chile, grounded in the goals and principles of international instruments promoting equality and non-discrimination. A dedicated website was created to disseminate information on the plan and its implementation.

6. In keeping with the commitments made at the World Conference, Cuba is continuing its policy to ensure equality for all and to eradicate all vestiges of discrimination in the Cuban society. Since 2001, Cuba has been implementing more than 100 social, educational and cultural programmes geared towards equality and non-discrimination, including the holding of festivals of different cultures, as part of the recognition that Cuban nationality has been shaped by cultures and ethnic groups from Asia, Africa and Europe. Centres of learning provide education and employment programmes to the Cuban population without distinction.

7. Hungary has placed particular emphasis on the promotion of the situation of minorities living in Hungary, especially the Roma community. Government institutions in charge of enhancing the social integration of the Roma population have been reinforced, including a new Ministry for Youth, Family and Social Affairs and Equal Opportunities (2004) and a Governmental Office for Equal Opportunities (2004). An Anti-Discrimination Legal Service Network provides free legal aid and has explicit competence in cases where the clients suffer because of their Gypsy descent. In November 2003, the Hungarian Parliament adopted the Bill on Equal Treatment and the Promotion of Equal Opportunities. In March 2004, the Government adopted a new midterm package of measures to promote the integration of the Roma. Local minority self-governments and the National Gypsy Self-Government are essential partners in designing and implementing Roma policy.

8. In 2003, Mexico adopted a federal law for the prevention and elimination of discrimination. The law provided for the creation of the National Council to Prevent Discrimination (CONAPRED), operative since 27 March 2004. CONAPRED has the task of formulating and implementing policies and actions in the field of education and social communication to raise awareness on the phenomena of racism and xenophobia. To this end, the Programme of Promotion and Inter-institutional Cooperation has established collaborative links between public institutions and social and private actors working for the promotion of the rights of vulnerable groups and individuals. CONAPRED also established a service for receiving and processing complaints by alleged victims of discrimination. In 2004, the National Programme to Prevent and Eliminate Discrimination (PRONADIS) was elaborated as a result of a consultative process involving the society at large. CONAPRED has created a website and a documentation centre. Public campaigns, radio broadcasts and TV spots, leaflets and posters are also used to disseminate information and raise awareness. On 28 and 29 September 2004, the International Forum on Non-Discrimination was organized in Mexico City to analyse the economic, fiscal and judicial challenges to the implementation of anti-discrimination laws in Latin America and the Caribbean.

9. Since Morocco's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the constitutional institutions have endeavoured to strengthen and promote the principles of dignity and equality without discrimination on grounds of race, sex, language or religion.

10. Sweden is reviewing its National Action Plan to Combat Racism, Xenophobia, Homophobia and Discrimination (2001) and its National Human Rights Action Plan (2002). A parliamentary committee is currently examining the entire field of anti-discrimination law and policy and should present its report in January 2006. Various institutions, such as the Ombudsman against Ethnic Discrimination, the Swedish National Integration Board, local anti-discrimination bureaux, the Centre against Racism, the Living History Forum — while having different authority and mandates — all work against discrimination in various fields.

11. In 2001, the Swiss Federal Council established the Fund for Projects against Racism and for Human Rights. Between 2001 and 2005, the Fund supported numerous projects in the field of education, awareness-raising and prevention, and supported institutions either working with victims of racism or engaged in conflict mediation. The Focal Point for the Fight against Racism ensures collaboration between cantons, municipalities and third parties in this area.

B. Human rights mechanisms

12. During its sixty-sixth and sixty-seventh sessions, held respectively from 21 February to 11 March 2005 and from 2 to 19 August 2005, the Committee on the Elimination of Racial Discrimination (CERD) considered reports submitted by 15 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. Additionally, the Committee reviewed without a report the application of the Convention in five States parties whose reports were seriously overdue, and adopted several decisions under its early warning and urgent action procedures. The Committee also examined several communications from individuals and groups of individuals under article 14 of the Convention. At its sixty-sixth session, the Committee held a thematic discussion on the prevention of genocide in which the Special Adviser to the Secretary-General on the Prevention of Genocide, Juan Méndez, took part. Furthermore, the Committee adopted a statement on the prevention of genocide. The Committee transmits an annual report to the General Assembly (A/60/18).

13. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, submitted reports to the sixty-first session of the Commission of Human Rights on defamation of religions (anti-Semitism, Christianophobia and Islamophobia) (E/CN.4/2005/18/Add.4) and the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2005/19). He also presented reports of his missions to Guatemala, Côte d'Ivoire, Honduras and Nicaragua (E/CN.4/2005/18/Add.2, 3, 5, 6). The report on his mission to Japan (3-12 July 2005) will be issued shortly. He participated in a number of seminars and conferences dealing, notably, with anti-Semitism, racism and gender, interreligious dialogue, integration of Muslims and the role of Islam in the European Union. Other special procedures mandate holders have taken into consideration the United Nations anti-discrimination agenda and have integrated it in the work conducted in the framework of their mandates.

14. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held its third session in Geneva from 11 to 22 October 2004. The Working Group conducted a thematic analysis of racism

and health, racism and the Internet, and complementary standards. A report on the session was presented to the Commission (E/CN.4/2005/20). It is to be noted that a large number of United Nations bodies and specialized agencies and international and regional organizations participated in the session, including experts from the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization, the Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the International Telecommunication Union, the World Health Organization and the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), the African Union and the International Organization for Migration.

15. The Working Group of Experts on People of African Descent held its fourth session from 25 October 2004 to 5 November 2004. The thematic discussion focused on racism and employment, racism and health, and racism and housing. The Working Group decided to undertake country visits, as they are necessary for the effective discharge of its mandate (see E/CN.4/2005/21). A visit to Belgium took place from 13 to 17 July 2005. The Working Group will present a full report of its findings and recommendations to the Commission at its sixty-second session. The fifth session of the Working Group is scheduled to take place from 29 August to 2 September 2005.

16. The group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action held its second meeting in Geneva from 21 to 23 February 2005. They considered that education and awareness-raising campaigns to inform the larger public about the positive aspects of multiculturalism and the importance of tolerance constitute important tools in combating discrimination. They outlined their programme of work (see E/CN.4/2005/125) as requested by the General Assembly in resolution 59/177.

C. Office of the United Nations High Commissioner for Human Rights

17. OHCHR placed the effective implementation of the Durban Declaration and Programme of Action among its priorities. Its contribution consists primarily in: (a) extending substantive and organizational support to the mechanisms established in the follow-up to the World Conference and to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; (b) providing guidance to international and national actors on the work countering racism and xenophobia; (c) collecting and disseminating information on relevant initiatives taken by various stakeholders; (d) providing technical cooperation to partners; (e) facilitating inter-agency coordination; and (f) expanding liaison with NGOs and youth organizations. OHCHR is also developing publications and other awareness-raising and outreach material. The substantive focus of OHCHR was threefold: (a) strengthening the international efforts to promote respect and tolerance in diversified societies; (b) addressing contemporary forms of racism and xenophobia; and (c) developing means and tools to address social exclusion and

other aspects of the inferior position of victims of racism, xenophobia and related discrimination.

18. OHCHR serviced the meetings of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and of the Working Group of Experts on People of African Descent, as well as those of the independent eminent experts on the implementation of the Durban Declaration and Programme of Action. It provided substantive and organizational support to the meetings, drafted information notes and background papers, made relevant documentation available, identified panellists and experts to participate in the sessions, drafted the reports and followed up on recommendations adopted by these bodies. OHCHR also facilitated the debate with a view to strengthening cooperation and coordination between these bodies and thus enhancing their impact.

19. OHCHR and the Pan-American Health Organization jointly organized a regional workshop for the Latin American and Caribbean Region in Brasilia from 1 to 3 December 2004 on "Ensuring that the Millennium Development Goals contribute to overcoming discrimination based on race, colour, descent, national and ethnic origin in Latin America and the Caribbean Region" (see E/CN.4/2005/22). OHCHR also organized a subregional seminar for States members of the Economic Community of Central African States on the fight against racism, racial discrimination, xenophobia and related intolerance through inclusive participation in public life, in cooperation with the Government of Gabon (Libreville, 27-29 July 2005) and a regional expert seminar on the implementation of the right to education as a tool to combat racism, racial discrimination, xenophobia and related intolerance (Bangkok, 19-21 September 2005).

20. Technical cooperation was provided by OHCHR under the Assisting Communities Together (ACT) project. The project — started in 2002 — ended in 2005: NGOs, grass-roots organizations and schools received financial support for 23 projects in the field of education against racism in Burundi, Cambodia, Chad, Colombia, Kyrgyzstan, Mauritania, Mongolia, Nicaragua, Romania, Serbia and Montenegro and Uruguay.

21. OHCHR worked together with United Nations bodies, specialized agencies, and international and regional intergovernmental organizations. Some instances of cooperation are elaborated further in the present report. Another specific example is cooperation with UNESCO on the International Coalition of Cities against Racism project, sharing the responsibility of its scientific and technical secretariat. This Coalition consists of networks of cities interested in sharing experiences in order to improve their policies to fight racism, discrimination and xenophobia. OHCHR participated in a working meeting between the Bangkok Municipal Authority and UNESCO for the preparation of a meeting of the Coalition of Cities against Racism and Discrimination in Asia and the Pacific in July 2005. OHCHR also contributed to the work of the Conference on Anti-Semitism and on Other Forms of Intolerance convened by OSCE in Cordoba, Spain, in June 2005.

22. Liaison with NGOs and youth groups included the following:

(a) Sharing information on a regular basis and facilitating NGO and youth participation in meetings, seminars and workshops to which the Anti-Discrimination Unit is invited or convenes;

(b) Participation in and financial support for the organization of an expert seminar on "Defamation of religions and the global combat against racism: Anti-Semitism, Christianophobia, Islamophobia", hosted by the UNESCO Centre of Catalonia from 11 to 14 November 2004.

23. Publications, awareness-raising and outreach activities embraced:

(a) A book, *Dimensions of Racism*, in English, French and Spanish. This publication has been prepared in the follow-up to a workshop jointly organized by OHCHR and UNESCO on the theme "Combating racism and fostering tolerance";

(b) A drawing contest for students in Colombia, Mexico, Mongolia, South Africa and the former Yugoslav Republic of Macedonia organized by OHCHR field presences to promote the Universal Declaration of Human Rights. The selected drawings have served to illustrate a new OHCHR poster on the Universal Declaration, issued in the six official languages of the Organization;

(c) A panel discussion on "Discrimination and hate crimes: countering the violence of intolerance" convened in Geneva on 21 March 2005 to commemorate the International Day for the Elimination of Racial Discrimination;

(d) Leaflets about the mandate and activities of its Anti-Discrimination Unit disseminated in the six official languages.

D. United Nations system

24. The United Nations Department of Public Information undertakes activities to promote the work of OHCHR, CERD and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the follow-up to the Durban Declaration and Programme of Action. Information is disseminated through a multimedia approach. In 2004, the Department organized two seminars on "Unlearning Intolerance", one on anti-Semitism and another on Islamophobia. The elimination of discrimination also figures among the topics of the Department's Training Programme for Broadcasters and Journalists from Developing Countries and the Training Programme for Palestinian Media Practitioners. The United Nations Information Centre in Warsaw launched a special website on discrimination and related intolerance, while the United Nations Information Centre in Dhaka organized a theatrical play on tolerance.

25. At the third session of the Intergovernmental Working Group on the Implementation of the Durban Declaration and Programme of Action in October 2004, the UNAIDS representative highlighted the complex linkages that exist between discrimination, poverty and HIV/AIDS. UNAIDS further supported the development of a publication, "HIV-related Stigma, Discrimination and Human Rights Violations", illustrating the importance of being proactive in preventing stigmatization.

26. Within its Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Related Intolerance, UNESCO established the European Coalition of Cities against Racism. This strategy also includes a research programme on the development of indicators on racism and discrimination in the cities. The two-day celebration of the International Day for the Elimination of Racial Discrimination (21 March), organized with the National Union of Students in France, included

exchanges between students and local French authorities. At the same time, the sixth International Festival of Film against Exclusion and for Tolerance took place at UNESCO headquarters.

E. National human rights institutions

27. In 2005, the Human Rights and Equal Opportunity Commission of Australia organized the Voices project, marking the thirtieth anniversary of the Racial Discrimination Act. The project will publish stories from migrants, refugees, indigenous Australians and the general community about living together with people from different backgrounds. The Commission will also publish the fourth edition of *Face the Facts*, which endeavours to counter popular myths and misinformation that surround debates on refugees, migrants and indigenous peoples. The Ismaξ (Listen) project was launched in response to increasing concerns about the rise in anti-Arab and anti-Muslim prejudice. Since the Cyber-Racism Symposium (2002), the Commission has striven to limit racially offensive material on the Internet. The focus of the Aboriginal and Torres Strait Islander Social Justice Commissioner is on indigenous people. The Commissioner reports annually to the Parliament and prepares the *Social Justice Report* and the *Native Title Report*.

28. The Centre for equal opportunities and opposition to racism of Belgium provided OHCHR with information on Belgian anti-discrimination legislation, the organization of a reporting and monitoring system for racist crimes, the process of maintaining statistics of the treatment of racist crimes by the criminal justice system and the publication of annual reports on racist crimes. The Centre has a special unit monitoring anti-Semitic acts. Projects are ongoing to foster intercultural dialogue and understanding of cultural, religious and philosophical diversity in Belgium, notably in schools and police education programmes. The Centre cooperates with European Union anti-discrimination institutions.

29. The National Commission on Human Rights and Freedoms of Cameroon indicated that racism, racial discrimination, xenophobia and related intolerance are virtually non-existent in Cameroon. The Commission is, however, active in the promotion of human rights through radio programmes and the distribution of posters and brochures.

30. The primary objective of the Danish Institute for Human Rights is to protect and promote human rights with a particular mandate to combat racial discrimination and promote ethnic equal treatment, through education, training, dissemination of information and the organization of seminars and conferences. In 2005 and 2006, projects will focus on primary schools. The Institute's Council on Human Rights has a Committee on Equal Treatment. The Institute's Complaints Committee on Ethnic Equal Treatment was established in 2003 to handle complaints of discrimination on grounds of race and ethnic origin. The Institute is preparing a book addressing specific human rights challenges in the information society, including Internet, discrimination and hate speech. The Institute further cooperates with the European Union anti-discrimination institutions.

31. The second goal of the Strategic Plan 2004-2006 of the Fiji Human Rights Commission aims at healthy race relations and the elimination of all forms of discrimination. This requires the Commission to monitor and analyse bills and policies of the Government, raise awareness, establish an effective conciliation

process and undertake court actions for unresolved cases. In March 2004, the Commission established a Race Relation Unit, whose initial activities include awareness-raising as well as obtaining information on the extent of race issues and problems in Fiji. The Commission further organizes a yearly poster competition on race relations for young people. In July 2005, the Commission conducted a workshop for indigenous rights activists and nationalists.

32. Each year, on 21 March, International Day for the Elimination of Racial Discrimination, the French National Consultative Commission of Human Rights submits a report to the Government on the fight against racism. The 2004 report indicated a rise in acts of anti-Semitism, racism and xenophobia, including racism towards immigrants. The report addressed the propagation of racism through the Internet. The Commission awards two human rights prizes each year. The Commission advises the Government of France on improvements to anti-discrimination legislation. The Commission further cooperates with the European Union institutions and international organizations combating discrimination.

33. According to the National Human Rights Commission of India, xenophobia and racial discrimination are not an issue in India. There are, however, caste-related problems. Based on a report on the prevention of atrocities against Scheduled Castes, the Commission's Dalit unit conducted a sensitization workshop for senior officials in the northern region of India, while the Commission made recommendations to both the Union and state Governments. These recommendations included the appointment of exclusive special courts where the magnitude of atrocity cases is growing and a training programme for police and civil servants. With assistance from OHCHR, the Commission is also preparing a handbook for teachers on "Discrimination based on sex, caste, religion and disability".

34. The Islamic Human Rights Commission in the Islamic Republic of Iran reported that despite a legal framework to combat discrimination, the implementation of the rights of minorities, including ethnic groups, recognized religious minorities, non-recognized religious minorities and women, remains a problem. The Commission is therefore devising a national plan of action. The Commission collaborates with all three branches of Government, and especially with the Parliament. The Commission's new website offers the possibility to lodge complaints online and to disseminate reports on human rights violations.

35. In its first strategic plan, "Promoting and Protecting Human Rights in Irish Society: A Plan for 2003-2006", the Irish Human Rights Commission considers the fight against racism to be one of the priority cross-cutting areas of its work. The Commission was actively involved in the Steering Group on the Government's National Action Plan against Racism and worked closely with Traveller organizations on the recognition of their culture and identity. The Commission has contributed to the initial report submitted by Ireland to CERD.

36. From 2000 to 2003, the Malawi Human Rights Commission ran the "One Malawi against Discrimination and Intolerance — Unity for Peace" peacebuilding programme. The programme tackled discrimination and intolerance on various grounds. It revealed that politically motivated manifestations of discrimination, violence and intolerance are the most prevalent in Malawi. The Commission has further undertaken activities to curb discriminatory tendencies, particularly in political discourse, organized workshops for youths and supported initiatives by

civil society organizations. Countering the dissemination of racism via the Internet is part of its implementation of the peacebuilding programme.

37. The Human Rights Commission of Malaysia (SUHAKAM) has focused its work on the promotion of the rights of marginalized groups as identified in the Durban Declaration and Programme of Action. This is done through (field) research, reporting, round-table dialogues and seminars. On the issue of migrant workers, the Commission cooperates informally with the national human rights institutions of Indonesia, the Philippines and Thailand. The Commission and the Government work closely together on the integration of human rights education into secondary schools. The Commission has established a Media Complaints Committee to investigate complaints of unethical conduct by the media and is encouraging the development of a media council.

38. The National Human Rights Commission of Mexico is involved in various programmes and actions to counter racism and racial discrimination. In September 2004, it adopted a general recommendation on discrimination in schools against children affected by HIV/AIDS. In January 2005, the Commission established the Quinta Visitaduría General to deal with issues and alleged violations of migrants' human rights. In 2004, the Commission issued 11 Braille publications on the protection and promotion of human rights of vulnerable groups. A publication entitled "United for Respect for Diversity" was published and translated in local languages. A national photographic competition was organized to show how the elimination of social, cultural, architectural and physical barriers has allowed the inclusion and development of persons with disabilities. Another competition, entitled "Are We Equal?", has been organized in 2005 for children from 6 to 13, together with the third "Images of Life, Diversity, Human Rights and HIV/AIDS" competition. An international workshop on "Indigenous women between violence and discrimination" has been organized by the Commission in its capacity of *pro tempore* secretariat of the Network of National Institutions for the Promotion and Protection of Human Rights of the American Continent.

39. The Human Rights Commission of New Zealand undertook an extensive research and public consultation process in 2003 and 2004, which resulted in a report, *Human Rights in New Zealand Today*, and in the New Zealand Action Plan for Human Rights. The Action Plan provides a strategic framework to counter racism and promote diversity. Actions were proposed on race-related issues such as social and economic inequality, rights of indigenous peoples, languages, refugee and migrant settlement and cultural diversity. The Commission observes 21 March as Race Relations Day and in March 2005 published a report, *Race Relations in 2004*. The Commission plays a central role in the New Zealand Diversity Action Programme, which includes, inter alia, the promotion of diversity on the Internet. The Commission facilitates an interfaith network and initiated a language policy network. It also advises the Government on aspects of race-related measures and contributed to the review of Government data collection on ethnicity.

40. The National Human Rights Commission of Nigeria discusses human rights implications of communal, religious and ethnic clashes and the resulting displacements with the competent authorities of the communities. Reports of these forums are forwarded to the Government for appropriate action. The Commission developed a strategic workplan focusing on the rights of children and women and on communal conflicts.

41. The Defensoría del Pueblo of Peru has launched projects to fight different forms of discrimination. The reduction of exclusion from public policies is one of its main interests. It follows up on the conclusions of the Truth and Reconciliation Commission to guarantee the inclusion of the population affected by the political violence that Peru suffered. The Defensor del Pueblo (Ombudsman) gives ample attention to the situation of indigenous peoples. His Office presented an action against article 269 of the Military Justice Code and the sentence of the Constitutional Court supported the claim: military justice is now incompetent to punish homosexual practices. The ongoing revision of the Penal Code includes incorporation of measures against racism, racial discrimination, xenophobia and related intolerance.

42. The Commission on Human Rights of the Philippines indicated that even before the Durban World Conference, the Philippine Human Rights Plan for 1996 to 2000 had recognized indigenous peoples and Muslims as vulnerable groups. Legislation also exists on policies to combat racism, racial discrimination, xenophobia or other forms of intolerance, or to promote non-discrimination and equality. The Commission has been called to congressional hearings to discuss concerns related to indigenous peoples. The METAGORA (Measuring Democracy, Human Rights and Governance) project, under the Organization for Economic Cooperation and Development, measures the human rights situation of indigenous peoples.

43. The Swedish Ombudsman against Ethnic Discrimination assists those subjected to ethnic and religious discrimination. Its main activity consists of investigating individual complaints, taking measures to prevent discrimination and organizing seminars. The Ombudsman promotes the necessary changes in the legislation and informs the Government on what measures it ought to take to support the Ombudsman's work. The Ombudsman, together with the Ombudsman against Discrimination on Grounds of Sexual Orientation and the Disability Ombudsman, uses the Internet and television for information and awareness-raising purposes. The Ombudsman cooperates with the police to combat discrimination in restaurants and liaises with the Roma. The Ombudsman also works with the Equal Opportunities Ombudsman.

F. Civil society: non-governmental organizations, youth groups and other organizations

44. Interfaith International, a Geneva-based NGO, in coordination with the Conference of Non-Governmental Organizations in consultative status with the United Nations (CONGO), convened a meeting entitled "Clash of civilizations" on 23 March 2005, during the sixty-first session of the Commission on Human Rights. For the participants, the main cause of conflicts between peoples is not that ethnicities are irreconcilable, but that differing economic development facilitates ethnic conflict. Participants considered that religion is often tied to the history of specific ethnic or national groups and that "ethnic-based" religions have often been imposed upon colonized peoples. As a result, religion is not necessarily a source of conflict, although religion, when linked to ethnicity, can be used by political groups to achieve and retain power.

45. The International Network of Liberal Women reported on a programme launched to commemorate the sixtieth Memorial Day of women who survived the concentration camps in Germany during the Second World War. On 16 and 17 April 2005, the organization participated in a ceremony held at the Ravensbrück concentration camp, where women were killed and/or subjected to hard labour, sexual violence and forced sterilization because of racial discrimination and ideological intolerance.

46. The International Centre of Sociological, Penal and Penitentiary Research and Studies of Italy organized several seminars on "Foreign minors and justice; towards an intercultural approach", in collaboration with the Chair of Juridical Psychology of the University "La Sapienza" in Rome. The Centre also organized a colloquium on "Human rights at the dawn of the third millennium: universality and intercultural dialogue" and a meeting on "The right to education for vulnerable groups with respect to their cultural diversity", organized in collaboration with UNESCO. It also participated in an international specialist course for police forces on "Policing in multicultural societies".

47. The Helsinki Monitor of Slovenia, a member of the International Helsinki Federation for Human Rights, documented human rights violations in Slovenia related to non-Slovene inhabitants. The organization also reported that a campaign to raise awareness of the human rights situation of non-nationals in Slovenia had been launched as a result of the presentation of a shadow report on the country's situation to CERD.

48. The International Association of Democratic Lawyers published a book entitled *Racism and Racial Discrimination: A Study Submitted to the UNESCO*. This study focuses on new forms of racism and racial discrimination, and new methods in the struggle to meet the challenges. The structure of the study was developed within the framework of the international instruments that promote equality. Three major subjects are analysed in the book: "Racism: A Scourge for the Third Millennium?", "On Racism: Global Fair Banking Initiative-Development Phase" and "The New Shapes of Racism and Discrimination".

49. The National Council of German Women's Organizations initiated a networking project with human rights organizations in Germany that are currently monitoring the draft of the national anti-discrimination law. The Council dedicated an issue of its bimonthly magazine *Die Information der Frau* to discussion of intercultural dialogue. The organization reported that it has lobbied the Government and the parliament concerning the new migration law in Germany, which was adopted in July 2004. In this context, the organization invited the relevant members of civil society to a conference on "Problems in the development of integration and new ways for successful integration policies".

50. The International Association Ius Primi Viri and the Centre for Human Evolution Studies, based in Italy, continue their work to raise consciousness of the fundamental values inborn in every human being as tools to prevent discrimination. The organizations coordinated several courses addressed to university students, human rights trainers, teachers and social workers. Their activities include a course on "Racism, xenophobia and intolerance: plurality of cultures and universality of human rights", another on "The multicultural school", an advanced course for educators and trainers on human rights education entitled "Acquiring the scientific foundations of the universality of human rights", as well as a programme on

"Integrated anthropology". The organizations also took part in the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination (Brussels, September 2004), where they presented a paper entitled "An integrated methodology to promote intercultural comprehension and respect for diversity".

51. The Romanian Independent Society of Human Rights reported on its work assisting individuals who were victims of torture while under arrest or in detention. The organization also provides human rights training to persons deprived of freedom and legal assistance to victims of domestic violence, refugees and asylum-seekers.

52. The Association pour la formation et l'insertion sociale de l'adolescent et de la femme (AFISAF), in Cameroon, documented discriminations suffered by the Pygmy and Bororos communities. According to AFISAF, these two indigenous nomadic peoples are in danger of disappearing owing to exploitation of the forest and legislation prohibiting hunting. The organization also reported on its work of raising awareness about the dangers encountered by women who are victims of trafficking in persons. As preventive measures, the organization supports female empowerment and autonomy by providing access to microcredit and training in entrepreneurial management.

53. The Association pour le progrès et la défense des droits des femmes (ADPF) of Mali provided information about a campaign which assists women belonging to ethnic minorities in obtaining birth and marriage certificates. ADPF reported that on Human Rights Day (10 December 2004) it promoted a series of seminars in schools on the content of the Convention on the Rights of the Child. The seminars had a special focus on the promotion of non-discriminatory and equal education and treatment at school and at home.

54. The BADIL Resource Center for Palestinian Residency and Refugee Rights manages a website that provides information on the situation of Palestinian refugees as well as statistics and legal analysis concerning refugee protection and long-term solutions, which help to counter discriminatory, racist and xenophobic messages. BADIL submitted reports to the Committee on the Elimination of Discrimination against Women on the ongoing violations of the fundamental rights and freedoms of refugee women in Israel and the Occupied Palestinian Territories, to the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories, and on the partnership with the Israeli NGO Zochrot working on awareness-raising programmes such as the Nakba Memorial, commemorating the massive Palestinian eviction and dispossession in 1948. BADIL has also joined the Occupied Palestinian and Syrian Golan Heights Advocacy Initiative.

55. The Brahma Kumaris World Spiritual University provided information on the development of the initiative "Ubuntu: Awakening the Spirit of Humanity", which consisted of a series of debates and workshops on the cultural and spiritual values that correspond to the way of life that in some parts of Africa is called "Ubuntu". The University is developing this project as part of a wider initiative called "The Serve Africa Project: Developing the Inner Being", which is intended to help the African continent to achieve the Millennium Development Goals. To this end, the University has promoted a series of courses in self-development and positive thinking. The University also promotes religious tolerance and unity through

organizing and participating in interfaith events, such as the Inner Voice of Peace, an event of interfaith dialogue that will take place in India in October 2005.

56. The Canadian Race Relations Foundation (CRRF) reported on the activities promoted in the field of redress and reparation, particularly regarding the situation of Chinese Canadians and African Canadians in Africville, Nova Scotia, calling on the competent Governments to consider redress and reparations respectively for these communities and to develop a policy position on redress and reparations. CRRF is also working with the UNESCO Commission in Canada to promote the Coalition of Cities against Racism. This past year, the Foundation hosted delegations from Sweden, Brazil and Mexico who participated in meetings exploring and analysing different human rights situations and ways of redress. The CRRF website continues to be a primary vehicle for disseminating information, educating and promoting public awareness on anti-racism issues in Canada, and publicizing the work of the organization.

57. The Centre féminin pour la promotion du développement (CEFEPROD), based in Cameroon, provided information about the establishment of a virtual forum "ICT for ALL NETWORK". The forum is an efficient and constant tool for the exchange of ideas and debate on social and cultural changes occurring at the national, regional and international levels. Different stakeholders, including civil society organizations, the Government and the private sector, participate in these debates. Currently, the forum features a focus on the struggle for dignity, social justice and development. The Centre is also active in the field of education and training in the promotion and protection of human rights and provides some research grants to women and young students.

58. The International Cooperation for Development and Solidarity (CIDSE), based in Belgium, reported on an initiative entitled "Stop Caste Discrimination — Support the Dalits" run through Cordaid, a member organization in the Netherlands, and Justicia et Pax Netherlands. The project informs the public about discrimination based on caste and descent and lobbies European Governments to take the necessary action in this regard. CIDSE also provided information about a research project that aims to develop an analytical policy document establishing the main lines for advocacy to achieve effective participation of minorities in public life. The project intends to address the reconciliation of diversity and social cohesion. In this regard, four case studies were presented: the Roma, Bosnia and Herzegovina, Georgia and the new minorities in the Netherlands. Participants identified education as an important vehicle for integration.

59. Disabled Peoples' International (DPI) is a network of associations of persons with disabilities, with members in 135 countries; it seeks to engage individuals with all kinds of disabilities in economic life. DPI reported that the African movement of disabled people should be commended for its work in supporting South African disability organizations in their action against institutionalized apartheid. The Americas section has developed links with the Disability and Development sector of the World Bank through its inclusive development programme. DPI in the Americas works closely with the Disabled Peoples' Organization of the Caribbean, an indigenous Caribbean organization supported by the Caribbean Development Bank and the Inter-American Development Bank.

60. The Dženo Association of the Czech Republic provided information about its work on the promotion and protection of Roma human rights and culture in Central

and Eastern Europe. The organization stated that it believes that information is a powerful weapon to promote understanding between peoples and thus reduce discrimination, xenophobia and racially motivated violence. Dženo reported on its work towards improving public understanding of Roma culture and issues through its website, which provides daily news on issues concerning the Roma. It operates through an online radio station, broadcasting news and music in Czech, Romani and English. Dženo also works to preserve Romany culture and music through the publication of books and CDs.

61. The Federation of Cuban Women stated that the issue of anti-discrimination represents a core dimension of its mission. The Federation promotes a TV programme entitled "*Cuando una Mujer*", which is a weekly programme that condemns any form of racial intolerance or discrimination, concepts of ethno-racial superiority and gender-based discrimination. The Federation also publishes a magazine, *Mujeres y Muchachas*, that promotes racial and cultural diversity of the country in appropriate and non-discriminatory language. The organization has a website, which promotes gender equality and is a source of non-discriminatory information.

62. Global Rights, based in Washington, D.C., has developed various programmes throughout the United States and Latin America to combat racial discrimination. It contributes to this issue within the inter-American human rights machinery. Global Rights provided information on its work on affirmative action programmes to promote equality, and highlighted that the exchange of experiences and models of affirmative action programmes throughout the region is a key element to the advancement of equal access to education. With regard to engagement in Latin America, Global Rights stated that it wishes to increase the capacity of human rights advocates in Latin America to combat racial discrimination, particularly by providing technical support. At the regional level, Global Rights aims to build the capacity of civil society actors to lobby Governmental delegations and to intervene before regional bodies in furtherance of their goals. Global Rights also promotes training programmes on human rights that focus especially on the use of international human rights instruments as tools for overturning discriminatory domestic laws and policies.

63. The UNESCO Centre of Catalonia (UNESCOCAT) produced educational materials regarding non-discrimination and equality. These materials were specifically developed with a view to their use by regional and local police forces in the framework of training courses with a special focus on anti-discrimination. Since May 2005, UNESCOCAT has managed the Inter-religious Centre of Barcelona, which proactively promotes the religious freedom of citizens and good relations between the different religions and beliefs, including non-religious views, present in the city. UNESCOCAT promotes migrant women's rights. In coordination with the Secretariat for Immigration of the Catalan Government, UNESCOCAT produced a bilingual information brochure entitled "Migrant Women: The New Regulations of the Legislation on Foreigners", with versions in Catalan and Spanish and the main migrant languages spoken in Barcelona.

64. The World Association of Community Radio Broadcasters, based in Canada, serves the community radio movement, with almost 3,000 members and associates in 110 countries in all regions of the world. The Association reported that every year it organizes an initiative called "Radio Voices Without Frontiers", a 24-hour

international and multilingual broadcast to commemorate the International Day for the Elimination of Racial Discrimination on 21 March. This event is also accessible through the website of the organization and can be freely rebroadcast.

65. The English International Association of Lund reported on its engagement in the field of human rights education with local high schools. The organization stated that it maintains regular seminars and study circles on anti-racism and discrimination and encourages the use of communication tools such as websites and the newsletter "The Lundian". The organization also publishes a newsletter and sends out e-mails to individuals and public institutions engaged in promoting affirmative action addressed to groups vulnerable to racism.

66. The Lutheran World Federation reported on the promotion of a regional consultation for Latin America and the Caribbean entitled "Challenges of citizenship in a globalizing world", which took place in Cobán, Guatemala, in May 2005. A recurrent theme of the consultations concerned the possibility of building truly inclusive societies in the Latin American region. The participants also discussed the existence of tension between defending certain, presumably universal, values developed from Western, Christian and Enlightenment traditions and the need to take different cultural particularities seriously.

67. Survival International Limited, a NGO based in the United Kingdom, reported on its action with regard to the protection of the human rights of the Bushmen (Basarwa/San) in Botswana. The organization considered that the Basarwa/San peoples suffer from cultural, social, economic and political exclusion and do not enjoy group rights to land. The organization expressed concern at expressions of prejudice against the Basarwa/San people, including those made by public officials.

68. Soroptimist International (SI) provided information about its programme of activities aimed at enhancing respect for all cultures and halting all forms of discrimination through increased tolerance and mutual understanding. SI has been supporting a series of performances for children in a theatre located in Bamberg, Germany, which dealt with problems such as violence in schools, xenophobia and the sexual harassment of children. An SI section in Munich, Germany, has worked closely with the Centre for Counselling and Treatment of Exiled Refugees and Victims of Torture. Finally, SI has promoted a partnership with the World Association of Girl Guides and Girl Scouts to create a network of Young Women Peace Ambassadors who will work with refugees and internally displaced children in countries where violence is a growing issue.

69. The Human Rights Defence Centre (KEPAD), based in Greece, focuses on human rights education and awareness-raising with regard to the issues of trafficking in persons and anti-discrimination. The issue of racism and discrimination was extensively discussed during the most recent fourth annual Olympia Human Rights Programme, devoted to topics related to migrants and refugees. This educational activity involved the participation of partners from the Balkans and Eastern Europe. The next major KEPAD project towards the implementation of the Durban Declaration and Programme of Action is the establishment of the ARIADNE network against trafficking in persons.

70. The Center for Interethnic Cooperation, based in Moscow, is active in the field of protection of national minorities and interaction between ethnic associations, law-enforcement bodies involved in minority issues and the mass media. The Center also

carries out research on the relationship between minority issues and law-enforcement organs. The Center promoted the following seminars: "Ethnic associations and local authorities: possibilities for optimizing dialogue", "International education inside the regional education system" and "Contacts as a basis for successful communication within interethnic relations". A conference entitled "Strategies for the development of Russia's ethnic communities" was held on 28 and 29 February, bringing together ethnic leaders from various parts of the Russian Federation as well as a number of regional administrators. The Center has promoted several micro-projects with institutional and non-governmental partners. The "Youth tolerance school" initiative consisted of a series of lessons and educational activities. This micro-project aimed to foster the principles of ethnic and religious tolerance among young people and to involve them in the fight against xenophobia and ethnic intolerance. "The salon 'Cooperation' invites its guests" is a micro-project in Perm to empower regional and local NGOs.

71. The Movimiento Nacional Afrocolombiano CIMARRON reported that in recent months it has carried out training courses in various regions of the country and organized marches on a national scale against racism and racial discrimination, among which it highlighted the large Afro-Colombian march on 21 March, and the march on 21 May, National Afro-Colombian Day (which coincides with the anniversary of the abolition of slavery in Colombia). Finally, the organization reported that its 2005 report would be on the human rights situation of the Afro-Colombian population. The organization has also supported the National Network of Afro-Colombian Women.

72. The fundamental objective of the Organizaciones Mundo Afro is the fight against racism and the promotion of the Afro-descendant community in Uruguay. In 2005, the organization initiated a collaborative process towards the creation of an association of Afro-descendants' organizations in Uruguay. Mundo Afro reported, inter alia, on a seminar on "Racial discrimination and the judicial system" held in Montevideo, which addressed racial discrimination and the legal system, the treatment of racial discrimination in Uruguayan jurisprudence and the principle of equality. Racial minorities in Latin America and policies of affirmative action in the judicial sphere were also considered. The seminar also looked at the similarities and differences between the experiences of Brazil and the United States.

73. The International Islamic Relief Organization, based in Saudi Arabia, conducts its disaster and war relief work on purely humanitarian grounds, without distinction based on ethnicity, language or religion. Its fields of operations have included Bosnia, Kosovo and Rwanda, in many cases actively promoting non-discrimination. The organization's most recent activities concentrated on tsunami aid, particularly in Indonesia, Sri Lanka and Thailand.

74. The Kawa Association for Kurdish Culture (KAKC), based in Iraq, reported on the seminars organized to promote understanding between Kurds, Arabs, Turkmen and Assyrians. KAKC also organized a cultural week when Kurds from Turkey, the Syrian Arab Republic, the Islamic Republic of Iran and Iraq discussed Kurdish culture in their respective countries. In September 2004, KAKC organized a Kurdish-Arab Friendship Conference that was attended by 500 people from more than 10 countries.

75. The Equal Opportunities Commission handles discrimination issues in the field of sex, marital status, pregnancy, family status and disability in the Hong Kong

Special Administrative Region of China. The Commission works closely with the Hong Kong Government Race Relation Unit, which deals with discriminatory practices relating to race.

III. Conclusions

76. **The present report demonstrates that the momentum of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance continues. Numerous responses were received from Governments, national human rights institutions and non-governmental organizations: all are acting against racism, racial discrimination and related intolerance, using the platform of the Durban Declaration and Programme of Action. The responses also indicate growing cooperation and mutual assistance between different stakeholders. New forms of racism are receiving increasing attention. Governments are reacting more often against cybercrime and/or the dissemination of racist ideologies via the Internet. At the same time, Governments, intergovernmental organizations, national human rights institutions and non-governmental organizations are using the Internet to inform the public about their work and to spread positive messages of equality and non-discrimination. Slowly, a trend is developing towards reporting and monitoring — often using statistics — of racist crimes and incidents. Finally, the contributions show that 21 March, the International Day for the Elimination of Racial Discrimination, remains a rallying point all around the world.**